



An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year one thousand eight hundred and seventy-one, for making good certain sums expended for the Public Service in the years one thousand eight hundred and and sixty-nine and one thousand eight hundred and seventy, and for other purposes.

(Assented to 15th February, 1871.)

MOST GRACIOUS SOVEREIGN

WHEREAS it appears by a message from His Excellency the Honourable William Pearce Howland, C.B., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter in the schedules A and B to this Act mentioned, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-one, and to make good certain expenditures in the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy; May it therefore please your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum (not exceeding in the whole) of two millions six hundred and two thousand five hundred and sixty dollars and seven cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy-one, and for other purposes, as set forth in Schedule A to this Act annexed; Provided always, that any appropriation which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-one, shall become void and of no effect.

\$2,602,560 07 appropriated out of Con. Rev. Fund, for expenses of Civil Government, etc. for 1871.

2. There shall be charged to the Consolidated Revenue Fund of this Province the sum of forty-nine thousand eight hundred and eighty four dollars and forty cents to make good certain payments and expenditures made and expended by the Treasurer on account of the public service of this Province, as set forth in Schedule B to this Act annexed.

\$49,884 40 to make good certain expenditures made in 1869 and 1870.

3. Accounts in detail of all monies received on account of this Province and of all expenditures under this Act shall be laid before the Legislative Assembly at its next session.

Accounts to be laid before Parliament.

4. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Account to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year 1871, and the purposes for which they are granted.

SERVICE.	Amonnt.	Total.
	\$ cts.	\$ cts.
CIVIL GOVERNMENT.		
<i>The Salaries and Contingencies of the several Departments at Toronto:—</i>		
Government House, Toronto	3,987 00	
Lieutenant-Governor's Office	2,545 56	
Executive Council Office	1,715 00	
Attorney-General's Office	8,424 65	
Treasury Department	11,561 66	
Secretary and Registrar's Office, and Registrar General's Office	19,691 67	
Department of Agriculture and Public Works	13,661 67	
Crown Lands Department	40,005 00	
Miscellaneous	20,580 00	
Total Civil Government.....		122,172 21
LEGISLATION.		
Total for salaries, contingencies and other expenses, as per details given in the Estimates for 1871.....		146,191 68
COLONIZATION ROADS.		
Total for construction and repairs		60,000 00
ADMINISTRATION OF JUSTICE.		
Court of Chancery		
Court of Queen's Bench	16,766 66	
Court of Common Pleas	6,610 00	
Court of Error and Appeal.....	4,410 00	
Criminal Justice.....	10,050 00	
Miscellaneous Justice	120,000 00	
	39,100 00	
Total Administration of Justice.....		196,936 66
PUBLIC WORKS AND BUILDINGS.		
<i>Capital Account.</i>		
Lunatic Asylum, London	70,144 29	
Lunatic Asylum, Toronto	32,977 17	
Deaf and Dumb Institute, Belleville.....	11,722 45	
Blind Institute.....	70,466 06	
Reformatory, Pentanguishene	6,409 05	
Court House and Gaol, Sault Ste. Marie	875 58	
Agricultural College and farm.....	100,000 00	
College of Technology or School of Industrial Science.....	50,000 00	
Central Prison	150,000 00	
Asylum for Adult Idiots	10,000 00	
Normal and Model Schools	12,600 00	
Parliament and Departmental Buildings.....	2,500 00	
Lock on Rosseau River, Muskoka.....	16,253 87	
Lock at Young's Point, Peterboro'.....	439 60	
Lock between Balsam and Cameron Lakes.....	15,833 13	
Improvement of Navigation, Scugog River.....	11,959 39	
Cut between Lakes Joseph and Rosseau.....	3,205 70	
Washago and Gravenhurst Road	8,296 57	
Improvement of Navigation, Pigeon River.....	5,000 00	
Improvement of Navigation, Sydenham River	2,000 00	
Improvement of Navigation, Nottawasaga River.....	6,000 00	
Kaministiquia River, Thunder Bay	6,000 00	
Surveys and Drainage of Swamp Lands	153,628 21	
Portage du Fort Bridge (on condition that Quebec contributes \$4,000, and the Dominion of Canada \$8,000 towards the construction of said bridge).....	4,000 00	
Total Public Works and Buildings (capital account).....		750,311 07
Carried forward.....		\$1,275,614 02

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,275,614 62
MISCELLANEOUS PUBLIC WORKS.		
To encourage the settlement of Free Grant Lands, to be re- imbursed by actual settlers.....	20,000 00	
Surveys, inspections, arbitrations, awards, and charges not other- wise provided for	5,000 00	
Lock-masters at Lindsay, Young's Point and Rosseau River, salaries	300 00	
Total Miscellaneous Public Works.....		25,300 00
ASYLUM MAINTENANCE.		
Provincial Lunatic Asylum, Toronto	80,110 00	
Lunatic Asylum, London.....	56,000 00	
Do Rockwood	47,190 00	
Do Orillia	21 32	
Deaf and Dumb Institute	19,650 00	
Total for Asylum Maintenance		202,971 32
REFORMATORY.		
Total for maintenance, as per details in Estimates for the year 1871.....		21,710 00
AGRICULTURE AND ARTS.		
Electoral Division Societies, 73 at \$700.....	51,100 00	
Do 1 at 550.....	550 00	
Do 7 at 350.....	2,450 00	
Fruit Growers' Association	500 00	
Entomological Society.....	500 00	
Agricultural Association	10,000 00	
Mechanics' Institutes	10,000 00	
Total for Agriculture and Arts.....		75,100 00
IMMIGRATION.		
Total for this service!.....		30,000 00
HOSPITALS AND CHARITIES.		
(Upon condition that each Institution shall have returned to the Provincial Secretary such particulars for the year 1870, as may be required in the form furnished by him.)		
Aid to Toronto Hospital	6,400 00	
Do for County Patients	4,800 00	
" House of Industry, Toronto.....	2,900 00	
" Protestant Orphans' Home and Female Aid Society, Toronto	640 00	
" Roman Catholic Orphan Asylum, Toronto	640 00	
" Lying-in-Hospital do	480 00	
" Magdalen Asylum do	480 00	
" House of Providence do	320 00	
" Girls' Home and Public Nursery do	320 00	
" Boys' Home do	320 00	
" Eye and Ear Infirmary do	1,000 00	
" General Hospital, Kingston	4,800 00	
" House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
" Orphans' Home do	640 00	
" Hotel-Dieu Hospital do	800 00	
" General Hospital, London	2,400 00	
" City Hospital, Hamilton.....	4,800 00	
" Roman Catholic Orphan Asylum, Hamilton.....	640 00	
" Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
" Protestant Hospital, Ottawa.....	1,200 00	
" Roman Catholic Hospital, Ottawa.....	1,200 00	
" St. Patrick's Orphan Asylum, Ottawa.....	480 00	
" Protestant Orphan Asylum do	480 00	
" St. Joseph's Orphan Asylum do	480 00	
" General Hospital, St. Catharines.....	1,000 00	
Total for Hospitals and Charities		40,260 00
<i>Carried forward</i>		1,670,955 94

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,670,955 94
LITERARY AND SCIENTIFIC INSTITUTIONS.		
Aid to Canadian Institute, Toronto	750 00	
Do do Ottawa	300 00	
Do Athenæum, do	300 00	
Total for Literary and Scientific Institutions.....		1,350 00
EDUCATION.		
Public and Separate Schools	175,000 00	
Poor Schools.....	6,000 00	
For the Encouragement of Agricultural Instruction	5,000 00	
Normal and Model School, Salaries	13,842 00	
Do do Contingencies	6,040 00	
High Schools	70,000 00	
Libraries, Apparatus, and Prizes	35,000 00	
Depository, Salaries	3,405 00	
Do Contingencies	1,710 00	
Superannuated Teachers	6,500 00	
Museum.....	3,850 00	
Journal of Education.....	2,390 00	
High School Inspection	4,000 00	
Public School Inspection	22,500 00	
Collegiate Institutes	7,500 00	
Education Office, Salaries.....	12,013 00	
Do Contingencies	4,555 00	
Total for Education.....		380,305 00
UNFORESEEN AND UNPROVIDED.		
To meet unforeseen and unprovided expenses		20,000 00
MISCELLANEOUS.		
To reimburse John McLay, for costs incurred by him <i>in re</i> Hammond.....	1,097 46	
Towards defraying the expenses of the Volunteers attending the Wimbledon Rifle Match	1,000 00	
In aid of the Ontario Rifle Association	500 00	
In aid of the sufferers by the Ottawa fires	25,000 00	
In aid of the sufferers by the Saguenay fires	5,000 00	
Expenses of Arbitration—for printing and assistance in making up returns respecting Woods and Forests during the contin- uance of the Union, and other services	1,500 00	
Total Miscellaneous.....		34,097 46
CHARGES ON REVENUE.		
Miscellaneous	3,700 00	
Crown Lands Expenditure	115,400 00	
Boundary Survey	15,000 00	
Total Charges on Revenue.....		134,100 00
MUNICIPALITIES' FUND.		
Collections from sales of the Clergy Reserves in 1870.\$88,634 25		
Less 20 per cent. cost of management..... 17,268 85		
Total for Municipalities' Fund.....		71,365 40
<i>Carried forward</i>		2,312,173 80

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,312,173 80
LAND IMPROVEMENT FUND.		
Moneys collected from the sale of Crown Lands between 1st day of July, 1867, and 30th June, 1870 \$251,139 54		
Less—4-5, leaving 1-5 to the Land Improvement Fund	200,911 63	
	50,227 91	
Less—20 per cent. for cost of collection and management.....	10,043 58	
	40,182 33	
Moneys collected from the sale of Common School Lands between the 1st day of July, 1867, and the 30th day of June, 1870.....	266,174 40	
Less—6 per cent for the sale and management	15,970 46	
	250,203 94	
$\frac{1}{4}$ to the Land Improvement Fund.....	62,550 98	
Total for Land Improvement Fund		102,733 31
COMMON SCHOOL FUND.		
Moneys collected for the sale of Common School Lands from the 1st day of July, 1867, to the 30th day of June, 1870.....	266,174 40	
Less—6 per cent for sale and management...	15,970 46	
	250,203 94	
Less— $\frac{1}{4}$ for Land Improvement Fund.....	62,550 98	
Total to be added to the Common School Fund.....		187,652 96
Total.....		\$2,602,560 07

SCHEDULE B.

SUMS granted to Her Majesty by this Act, to make good certain payments and expenditures, for the years 1869 and 1870, and a statement of the purposes for which they were granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
SERVICES OF 1869.		
<i>To cover amounts expended in excess of appropriations, as per Public Accounts:—</i>		
Balance to be provided for in 1871, to complete services in 1869, as per Statement No. 24 in the Public Accounts of 1869.....		4,095 39
SERVICES OF 1870.		
CIVIL GOVERNMENT.		
Government House.....	819 33	
Lieutenant-Governor's Office.....	65 81	
MISCELLANEOUS.		
Inspector of Prisons.....	86 39	
Auditor.....	16 18	
Gazette.....	355 85	
LEGISLATION.		
Stationery.....	1,047 99	
Library.....	107 21	
MISCELLANEOUS JUSTICE.		
Salary of Stipendiary Magistrate at Parry Sound.....	817 77	
COURT OF QUEEN'S BENCH.		
Cleaning, &c.	22 65	
PUBLIC WORKS AND BUILDINGS.		
Toronto Lunatic Asylum.....	2,221 09	
Government House.....	4,865 46	
ASYLUM MAINTENANCE.		
Deaf and Dumb Institute.....	219 03	
London Lunatic Asylum.....	19,145 43	
IMMIGRATION.		
On account of this service.....	7,387 65	
EDUCATION.		
Normal School, Salaries.....	20 00	
Do Contingencies.....	457 74	
Depository do.....	598 27	
Education Office do.....	599 98	
CHARGES ON REVENUES.		
Arbitration.....	6,120 27	
Law Stamp Safes.....	815 00	45,789 10
Total.....		49,884 40

BILL.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year one thousand eight hundred and seventy-one, for making good certain sums expended for the Public Service for the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, and for other purposes.

(Assented to 15th February, 1871.)

Hon. Mr. WOOD.

TORONTO:

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No. 2.]

BILL.

[1870.

An Act to Improve the Common and Grammar Schools of the Province of Ontario.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All Common Schools, which shall hereafter be designated
5 and known as Public Schools, shall be free schools ; and the Trustees of school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner now provided by law, levy and collect the rate upon all the taxable property of the school division or municipality (as the case may
10 be), to defray the expenses of such schools, as determined by the Trustees thereof.
2. Each School corporation shall provide adequate accommo-
15 dations for all children of school age in their school division or municipality, in conformity with regulations provided according to law.
3. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school for four months in each year; and any parent or guardian who does not provide that each child between the ages aforesaid under his care shall
20 attend some school, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act; Provided always, that the absolute right of selecting either a public or private school, for the attendance of any child, shall be with the parent or guardian of such child. Provided nevertheless, that any pupil
25 who shall be adjudged so refractory by the Teacher and County Inspector, that his presence in the School is deemed injurious to the other pupils, may be dismissed from such School, and, where practicable, removed to an Industrial School.
4. It shall be competent for the Police Magistrate of any
30 city or town, and for any Magistrate in any village or township, or town where there is no Police Magistrate, to investigate and decide upon any complaint made by the Trustees, or any person authorized by them, against any parent or guardian for the violation of this Act, and to impose a fine not exceeding five dollars, and imprisonment until paid, for the first
35 wilful offence, and double that penalty for each subsequent offence, which fine and penalty shall be enforced as provided in the one hundred and fortieth section of the Consolidated School Act; Provided always, that it shall be the duty of such
40 Magistrate to ascertain, as far as may be, the circumstances of any party complained of, and whether such alleged violation has been wilful, or has been caused by extreme poverty, or too great a distance from any School, or the child is being otherwise
- Common Schools to be designated Public Schools, and shall be free schools.
- School Corporations to provide School accommodation.
- Certain children to have the right to attend Schools.
- Parents not sending children to School. Proviso.
- Proviso—refractory children.
- Investigation of complaints against parents or guardians.
- Penalty.
- Proviso.

educated; and in either of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the Trustees of the division in which the offence has occurred.

County Inspectors.

Proviso.

5. In each county or union of counties, there shall be one or more School Officers, to be called County Inspectors, who shall have charge of not more than *one hundred* Schools each; Provided always that there shall not be more than one such officer in each riding of a county. 5

City and town Inspectors.

Powers of.

6. Each city or town shall be a county for the purposes of this Act, and the Inspector shall be called the city or town inspector, and shall possess all the powers of a county inspector in such city or town, except such as relate to investigating and deciding on School Trustee election complaints, which now by law devolve on the county judge. 10

Qualification of Inspectors.

7. The qualifications of county, city, or town Inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification, and grant certificates of qualification; and no one not holding such certificate of qualification shall be eligible to be appointed an Inspector. 15 20

Appointment of Inspectors.

Proviso—Dismissal of inspector.

Filling vacancies.

Proviso—Re-appointment after dismissal.

Proviso—Change of circuit.

8. Each County Council, and each Board of Public School Trustees in a city or town, shall appoint from among those holding the necessary certificate of qualification, one person to be Inspector of Public Schools in such county, city or town; and in counties where there are or shall be more than fifty Public Schools, the County Council may appoint two or more persons, according to the number of Schools, holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each; Provided, nevertheless, that any County, City or Town Inspector shall be subject to dismissal for misconduct or inefficiency, by the Council or Board appointing him, or by the Lieutenant-Governor in Council, as regards any County Inspector; and the vacancy thus caused shall be filled from the list of those legally qualified by the Council or Board authorized to appoint such Inspector; Provided likewise, that no Inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him; And provided furthermore, that in a county where there are two or more County Inspectors, the Council of such county may, from time to time, change or remove such Inspectors from one circuit or riding of the county to another. 25 30 35 40

Powers of inspectors.

9. Each Inspector of Schools so appointed, shall have the oversight of all Public Schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed, and shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations conferred or imposed by law, upon "Local Superintendents," and which are conferred or imposed by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education. 45 50

Remuneration of inspectors.

10. The remuneration of each City or Town Inspector of Schools shall be determined and provided for by the Board

appointing him; the remuneration of the County Inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the County Council, which shall also have authority to determine and provide for the allowance for travelling expenses; *Provided also, that it shall be lawful for the Lieutenant-Governor in council to direct the payment, out of the consolidated revenue, of an additional sum not exceeding five dollars per school per annum to each County Inspector.*

Proviso—
Lieutenant
Governor may
direct additional remuneration.

11. Each County Council, and the Board of Public School Trustees in each city, shall appoint a county or city Board of Examiners, for the examination and licensing of Teachers, in accordance with the regulations provided by law, consisting of the county or city inspector (as the case may be), and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction; *Provided always, that in no such county or city Board of Examiners, the number of members shall exceed five; and, in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses shall be provided for as authorized by the sixteenth section of the School Law Amendment Act of 1860.*

Appointment
of board of
examiners for
teachers.

Proviso—
Board not to
exceed five
members.
Quorum.
Remuneration.

12. It shall be the duty of the Council of Public Instruction, from time to time, by a committee of its appointment, or otherwise, to prepare and prescribe a programme and papers for the uniform examination and classification of Public School teachers; *Provided, that first class certificates of qualifications of teachers shall be awarded by the Council of Public Instruction only, and second and third class certificates by county and city Boards of Examiners only; And provided also, that first and second class certificates, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province; Provided likewise, that all existing certificates of qualification of teachers shall remain in force until superseded by the regulations and programmes proposed under the authority of this Act; Provided nevertheless, that no certificate of qualification shall be valid any longer than the holder thereof shall pay four dollars per annum into the fund for the support of superannuated or worn-out teachers, as provided by law; which sum shall, in all cases, be paid in advance during the month of January in each year; Provided furthermore, that all Local Superintendents of Schools shall continue in office, and discharge their duties as heretofore, until provision shall be made for the appointment of County Inspectors, under the authority of this Act.*

Council of
public instruction to
prescribe a
uniform examination and
classification
of teachers.

Proviso—as to
first, second
and third class
certificates.

Proviso.

Proviso.

Proviso.

Proviso—
Existing local
superintendents.

13. It shall also be the duty of the Council of Public Instruction, by the training of teachers, the programme of studies, the selection of text books, and special regulations, to provide for teaching in the public schools, the Elements of Natural History, of Agricultural Chemistry, of Mechanics, and of Agriculture.

Instruction in
natural history, agricul-
ture, mechan-
ics, etc.

14. The municipal council of each county, or union of counties, shall have authority, if it shall deem it expedient, to form any of the Townships within its jurisdiction into one School municipality, as is each city and town, and to establish a Township Board of Public School Trustees, as provided by the thirty-second section of the Consolidated School Act.

County council's may establish Township boards.

School sections to contain 50 resident children unless the area exceeds 4 square miles.

15. No School section shall be formed or recognized, after the year 1871, which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such section shall contain more than four square miles.

Appeal against formation or alteration of school sections.

Authority of county councils.

16. The majority of the Trustees, or any three rate-payers of a school section, shall have the right of appeal or complaint to their county council against any by-law or resolution which has been passed, or may be passed by their township council, for the formation or alteration of their School section; and it may and shall be lawful for such county council to appoint a committee of not more than five, or less than three competent persons (one of whom shall be a County Inspector, and a majority of whom shall form a quorum), to investigate the matter of such appeal or complaint, and confirm or disallow the by-law or resolution complained of; and on the representation and petition of the majority of the Trustees, or ratepayers, of two or more School sections in a township, present at special meetings called for that purpose, the county council shall have authority to appoint a committee of not less than five competent persons (of whom a County Inspector shall be one, and a majority of whom shall form a quorum,) to revise and alter the boundaries of the School sections of such township, as far as such committee shall judge expedient; Provided always, that no person shall be competent to act on either of the committees mentioned in this clause of this Act, who was a member of the township council that passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any School section by such committee, shall not take effect before the end of the year during which they shall be made, and of which alterations due notice shall be given by the Inspector to the clerk of the township, and to the trustees of the school sections concerned; Provided furthermore that the school boundaries of a village, existing at the time of its incorporation, shall continue in force, notwithstanding its incorporation, until altered under the authority of the school laws.

Proviso—Who may not act on the committees.

Proviso—Alteration in the sections not to take place before the end of the year.

Proviso—School boundaries in villages.

Manner of determining the price to be paid for school sites.

17. On the selection of land, as provided by law, for a school site, for the erection of a school-house and necessary buildings, or for enlarging school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the Trustees, the proprietor of such land and the Trustees shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them, shall appraise the damages to the owner of such land, and upon the tender of payment of the amount of such damages to the owner by the School Trustees, the land shall be taken and used for the purpose aforesaid.

On formation or alteration of union school sections Inspector to send copy of resolution to the clerk of the municipality affected.

Proviso.

18. On the formation or alteration of a union School section or division, under the authority of the fifth section of the School Law Amendment Act of eighteen hundred and sixty, it shall be the duty of the County Inspector concerned forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution; Provided also, that it shall be competent for any County Inspector to call a meeting of the parties authorized to form and alter union School sections, and it shall be lawful for the Trustees of any union School section to equalize the assessment on the basis adopted by the county council.

- 19.** Should the clerk neglect or refuse to prepare and furnish the map of the School division of his municipality, as required by the forty-ninth section of the Consolidated School Act, he shall render himself liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the purposes of his municipality, at the instance of any ratepayer thereof.
- 20.** The Trustees of any School section or municipality shall have the same authority to provide a residence for a School teacher that they now have by law to provide School accommodations.
- 21.** The report of the School Trustees required by law to be laid before the annual School meeting, shall include a summary of their proceedings and state of the School during the year, together with a detailed statement of receipts and expenditure, signed by either or both of the School auditors, of the section, and in case of difference of opinion between the auditors on any matter in the accounts, it shall be referred to and decided by the County Inspector.
- 22.** Should the secretary of a Trustee corporation neglect or refuse at any time to give notice of a School Trustee meeting, it shall be lawful for any Trustee to do so, by giving notice of such meeting to his colleagues.
- 23.** All moneys collected in any School section by the Trustee corporation, shall be paid into the hands of the secretary-treasurer thereof; and should the Trustees refuse or neglect to take proper security from such secretary-treasurer, they shall be held to be personally responsible for such moneys, and the provisions of the one hundred and thirty-seventh section of the Consolidated School Act shall apply to them.
- 24.** Any chairman of a School meeting, who may be elected School Trustee at such meeting, shall make the declaration of office now required of Trustees by law, in presence of the secretary of such meeting.
- 25.** Should the majority of the School Trustees, or the majority of a public School meeting, neglect or refuse, in case of a difference in regard to a School site, to appoint an arbitrator, as provided in the thirtieth section of the Consolidated School Act, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter, and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree.
- 26.** Should only a majority of the arbitrators appointed to decide any case under the authority of the School Laws of this Province, be present at any lawful meeting, in consequence of the neglect or refusal of their colleagues to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of such adjournment.
- 27.** All matters of difference between Trustees and teachers, authorized and required by the eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, and ninetieth sections of the Consolidated School Act, shall be referred to the County Inspector, who shall hear and decide thereon.

Penalty if clerk neglects to furnish a map of the school divisions, under Consolidated School Act.

Trustees may provide residences for teachers.

Contents of the annual school trustees' report.

Differences between auditors to be referred to the Inspector.

Notices of trustee meeting.

Moneys to be paid to the secretary-treasurer.

Trustees neglecting to take security from the secretary-treasurer.

Declaration by chairman.

Trustees neglecting to appoint an arbitrator in cases of differences regard school sites.

Proceedings where an arbitrator is absent.

Differences between trustees and teachers.

teachers
to be settled
by the county
judge.

ty-sixth and eighty-seventh sections of the Consolidated School Act, 22 Vic., Chap. 64; the ninth section of the School Laws Amendment Act, 23 Vic., Chap. 49; and the ninth section of the Grammar School Improvement Act of 1865, 29th Vic., Chap. 29; to be settled by arbitration, shall hereafter be brought and decided in the division court by the judge of the county court in each county, and the said clauses of the said Acts are hereby repealed; Provided always, that the decision of any county judge in all such cases may be appealed from, as provided in the one hundred and eighth and five following sections, or sub-sections of the said Consolidated Common School Act, and the twenty-eighth section of this Act.

Proviso—
Appeal from
judge's decision.

In cases appealed, judge to send statement of claim, etc., to chief superintendent of education.

28. Any division court judge receiving an intimation of appeal from his decision, under the authority of the one hundred and eighth and five following sections of the Consolidated School Act, shall thereupon certify, under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

Summer vacations.

29. The summer vacations of all the Public Schools shall be from the fifteenth day of July to the fifteenth day of August, inclusive.

22 Vic., cap. 64, amended.

30. Several sections and sub-sections of the Consolidated Common School Act for Upper Canada, 22 Victoria, Chapter 64, shall be amended as follows:

Sec. 23.

(1.) The twenty-third section, after the words "twenty dollars," shall read, "to be sued for and recovered before a justice of the peace, by the Trustees of the School section, or by any two ratepayers, for its use."

Sec. 27, sub-s. 2.

(2) In the second sub-section of the twenty-seventh section, the words, "and shall proceed in the same manner as ordinary collectors of county or township rates and assessments," shall be amended to read as follows: "and shall have the same powers and proceed in the same manner in his School section and township, as a township collector, in collecting rates in a township or county, as provided in the Municipal Corporations and Assessment Acts."

Sec. 27, sub-s. 8.

(3.) The eighth sub-section of the same (twenty-seventh) section shall be amended so as to read as follows: "To contract with and employ teachers for such School section, and determine the amount of their salaries; but no agreement between the Trustees and teacher of any School section shall be valid and binding on either party unless such agreement has been made and signed as agreed to, at a meeting, of which all Trustees have been duly notified."

Sec. 27, sub-s. 9.

(4.) The ninth sub-section of the same (twenty-seventh) section, after the words "school section," shall be amended, so as to read as follows: "but they [the Trustees] shall not give such order in behalf of any teacher, except for the actual time during which said teacher, while employed, held a legal certificate of qualification."

Sec. 27, sub-s. 12.

(5.) At the end of the twelfth sub-section of the same (twenty-

seventh) section, the following words shall be added: "and in case of any omission or mistake in such roll, the township council shall have authority to correct it."

(6.) In the first sub-section of the ninety-first section, the words, "he shall apportion no money," shall read, "he shall apportion, but shall not give an order to pay money." Sec. 91, sub-s. 1.

31. Wherever reference is made in any School Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts or amendments to them which may be in force at the time of citing them, and performing any duty under their authority. Reference in school Acts to the Municipal and Assessment Acts.

32. And whereas it is expedient that the whole system of Public Schools should be consolidated and united under one management, and that the Grammar Schools should be made effective in promoting the interests of a higher English, scientific and commercial, as well as classical education, it is hereby enacted, that from and after the sixth day of July next ensuing, the Boards of Grammar School Trustees in cities, towns and villages shall cease to exist, and the Grammar and Public Schools in the municipalities or School divisions shall be under the management of the Boards of Public School Trustees; and each of such Boards shall be a corporation, under the designation of Public School Board, and in addition to the legal powers now possessed by Grammar and Common School Trustees, shall succeed to all the property, rights, obligations and powers of such Boards of Grammar and Common School Trustees in such Municipalities or School divisions; Provided that the Grammar and Common School Boards shall continue in office until their successors are elected, as provided by the thirty-third section of this Act. Grammar and public schools to be under the boards of public school trustees.

Proviso—as to existing boards.

33. The members of the Boards of Public School Trustees shall be elected and classified in the manner provided by law for the election and classification of Common School Trustees in cities, towns, incorporated villages and other School-divisions, as the case may be; which elections shall be held on the second Wednesday in July in each year, and the first election on the first Wednesday in July next after the passing of this Act, commencing at ten o'clock in the forenoon. Provided always, that it shall be lawful for the municipal council of any city, town, or incorporated village within which a High School may be situated, to appoint and determine the continuance and succession in office of a number not exceeding four duly qualified persons, as members of the Board of Public School Trustees, in addition to those authorized to be elected by the ratepayers. Election and classification of members of the board.

Time for holding the elections.

Proviso—Where high schools are established, municipal councils may appoint members to the board.

34. The Grammar Schools shall be designated and known as High Schools, in which provision shall be made for teaching the higher branches of an English and commercial education, including the natural sciences, with special reference to agriculture, and, also, the Latin, Greek, French and German languages, to those pupils whose parents or guardians may desire it, according to a programme of studies and regulations, which shall be prescribed from time to time by the Council of Public Instruction, with the approval of the Lieutenant-Governor in Council. Grammar schools to be high schools. Education therein.

Certain provisions of the grammar school Act to apply to this Act.

Board may provide for the support of high schools.

35. All the provisions of the Grammar School Act shall, as far as is consistent with the provisions of this Act, apply to High Schools, their Trustees, head masters, and other officers, as fully as they apply to Grammar Schools and their officers and the Board of Public School Trustees shall have the same power to provide for the accommodation and support of High Schools as they have, or may have, by law to provide for the accommodation and support of the Common Schools under their management. 5

Application of the grammar school grant.

36. The Grammar or High School grant shall be exclusively applied in aid of High Schools, and shall be apportioned and paid upon the same conditions as the School Fund is apportioned and paid in aid of Common Schools. 10

Conditions upon which Public or High Schools may share in the school fund.

37. No Public or High School shall be entitled to share in the Fund applicable to it unless it is conducted according to the regulations provided by law; nor, unless in the case of a High School, has an average attendance of twenty pupils; and each High School conducted according to law, shall be entitled to an apportionment of not less than three hundred, and not more than one thousand dollars per annum, according to the average attendance of pupils, their proficiency in the various branches of study, and the length of time each such High School is kept open as compared with other High Schools. 15 20

Board of examiners for admission of pupils to high schools.

38. The County, City, or Town Inspector of Schools, the Chairman of the Board of Public School Trustees, and the head master of the High School shall constitute a Board of Examination for the admission of pupils to the High School, according to the regulations and programme of examination provided according to law; and it shall be the duty of the Inspector of High Schools to see that such regulations are duly observed in the admission of pupils to the High Schools; Provided, nevertheless, that the pupils already admitted as Grammar School pupils according to law, shall be held eligible without further examination for admission as pupils of the High Schools; And provided furthermore, that pupils from any part of the County in which a High School is or may be established shall be admitted to such school on the same terms as pupils within the town or village of such school, upon the condition always, that the Council of such county shall contribute *pro rata* towards raising the sum or sums required by law to be provided from local sources to entitle such High School to share in the Grammar School Fund. 25 30 35 40

Proviso—As to pupils already admitted to grammar schools.

Proviso—As to the admission of pupils from the county.

Inspectors of grammar schools to be inspectors of high schools.

39. The Inspector or Inspectors of Grammar Schools now authorized by law, shall be known as the Inspector or Inspectors of High Schools. 45

County Council may form high school districts.

Board of trustees—how appointed.

40. It may and shall be lawful for any County Council to form the whole or parts of one or more townships, towns and villages within its jurisdiction into a High School district, within the limits of which a Board of six Trustees shall be elected by the ratepayers in the same manner as are Boards of School Trustees in incorporated villages, in such place and at such time, for the first election, as may be appointed by the Warden of the county, and at such place subsequently as may be appointed by the said Board; and all the provisions of the School Acts relating to the election and succession of Trustees in incorporated villages, shall apply to the election and succes- 55

sion of Trustees in said High School district, as far as is consistent with this section; and the Board of Trustees of such High School district shall possess all the powers within the said district for the support and management of their High School,

Power of board of trustees.

5 and in respect to the County Council, as are possessed by the Boards of Public School Trustees in incorporated villages, in respect to the support and management of the schools under their care, and in respect to the Municipal Council of their Municipality, as provided by the School Acts of Upper Canada:

10 Provided always, that it shall be lawful for such County Council to appoint and determine the continuance and succession in office of a number not exceeding four duly qualified persons as members of such Board of High School Trustees in addition to those authorized to be elected by the ratepayers.

Proviso—County councils may appoint members to the board.

15 41. And whereas it is desirable to encourage the establishment of superior classical Schools, it shall be lawful for the Lieutenant-Governor in Council to confer upon any High School, in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the

Collegiate institutes.

20 daily average of male pupils studying the Latin or Greek language shall not be less than sixty, the name Collegiate Institute; and toward the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor in Council to authorize the payment of an additional sum, at the rate of, and not exceeding

Grant in support of collegiate institutes.

25 seven hundred and fifty dollars per annum out of the Superior Education Fund, provided under the authority of the tenth section of the Consolidated Grammar School Act, twenty-second Victoria, chapter sixty-three; Provided, that if in any year the average of pupils above described shall fall below sixty, or the

Proviso.

30 number of masters be less than four, the additional grant shall cease for that year. And if the said average shall continue to be less than sixty, or the number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor in Council, under the conditions provided by this section.

42. Be it furthermore enacted, that it may and shall be lawful for the Board of Public School Trustees of each city, town and village to establish one or more Industrial Schools for otherwise neglected children and to make all needful regulations and employ the means requisite to secure the attendance of such children, and for the support, management and discipline of such school or schools.

Industrial schools.

43. All the provisions of the Grammar and Common School Acts which are inconsistent with this Act are hereby repealed.

Inconsistent clauses of former acts repealed.

BILL.

An Act to Improve the Common and Grammar Schools of the Province of Ontario.

First Reading, Dec., 13, 1870.

The Hon. Mr. CAMERON.

TORONTO:

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An Act to Improve the Common and Grammar
Schools of the Province of Ontario.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows :

1. All Common Schools, which shall hereafter be designated
5 and known as Public Schools, shall be free schools ; and the
Trustees of school sections, and the municipal councils of cities,
towns, villages and townships, shall, in the manner now pro-
vided by law, levy and collect the rate upon all the taxable
property of the school division or municipality (as the case may
10 be), to defray the expenses of such schools, as determined by the
Trustees thereof. Common
Schools to be
designated
Public
Schools, and
shall be free
schools.
2. Each School corporation shall provide adequate accommo-
dations for all children of school age in their school division or
municipality. School Cor-
porations to
provide School
accommoda-
tion.
3. Every child, from the age of seven to twelve years inclu-
15 sive, shall have the right to attend some school or be otherwise
educated for four months in each year; and any parent or guar-
dian who does not provide that each child between the ages
aforesaid under his care shall attend some school, or be other-
20 wise educated, as thus of right declared, shall be subject to
the penalties hereinafter provided by this Act; Provided never-
theless, that any pupil who shall be adjudged so refractory by
the trustees (or a majority of them), and the teacher, that his
presence in the School is deemed injurious to the other pupils,
25 may be dismissed from such School, and, where practicable, re-
moved to an Industrial School; Provided that nothing herein
shall be held to require any Roman Catholic to attend a public
school, or to require a Protestant to attend a Roman Catholic
school. Certain chil-
dren to have
the right to
attend
Schools.
Parents not
sending chil-
dren to School.
Provido—re-
fractory chil-
dren.
Provido.
4. It shall be competent for the Police Magistrate of any
30 city or town, and for any Magistrate in any village or town-
ship, or town where there is no Police Magistrate, to investigate
and decide upon any complaint made by the Trustees, or any
person authorized by them, against any parent or guardian
35 for the violation of this Act, and to impose a fine not exceed-
ing five dollars for the first wilful offence, and double that
penalty for each subsequent offence, which fine and penalty
shall be enforced as provided in the one hundred and fortieth
section of the Consolidated School Act; Provided, nevertheless,
40 that the police magistrate or justice shall not be bound to, but
may, in his discretion, forego to issue the warrant for the im-
prisonment of the offender, as in said section is provided: Pro-
vided always, that it shall be the duty of such Magistrate to Investigation
of complaints
against
parents or
guardians.
Penalty.
Provido.

ascertain, as far as may be, the circumstances of any party complained of, and whether such alleged violation has been wilful, or has been caused by extreme poverty, or ill-health or too great a distance from any School; and in either of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the Trustees of the division in which the offence has occurred. 5

County Inspectors.

Proviso.

5. In each county or union of counties, there shall be one or more School Officers, to be called County Inspectors, who shall have charge of not more than *one hundred and twenty*, nor less than *fifty* Schools each; Provided always that it shall not be necessary to appoint more than one such officer in each riding of a county. 10

City and town Inspectors.

Powers of.

6. Each city or town shall be a county for the purposes of this Act, and the Inspector shall be called the City or Town Inspector, and shall possess all the powers of a County Inspector in such city or town, except such as relate to investigating and deciding on School Trustee election complaints, which now by law devolve on the county judge. 15

Qualification of Inspectors.

7. The qualifications of county, city, or town Inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification, and grant certificates of qualification; and no one not holding such certificate of qualification shall be eligible to be appointed an Inspector. 25

Appointment of Inspectors.

Proviso—Dismissal of inspector.

Filling vacancies.

Proviso—Re-appointment after dismissal.

Proviso—Change of circuit.

8. Each County Council, and each Board of Public School Trustees in a city or town, shall appoint from among those holding the necessary certificate of qualification, one person to be Inspector of Public Schools in such county, city or town; and in counties where there are or shall be more than fifty Public Schools, the County Council may appoint two or more persons, according to the number of Schools, holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each; Provided, nevertheless, that any County, City or Town Inspector shall be subject to dismissal at pleasure by the Council or Board appointing him, or by the Lieutenant-Governor in Council, as regards any County Inspector for misconduct or inefficiency; and the vacancy thus caused shall be filled from the list of those legally qualified by the Council or Board authorized to appoint such Inspector; Provided likewise, that no Inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him; And provided furthermore, that in a county where there are two or more County Inspectors, the Council of such county may, from time to time, change or remove such Inspectors from one circuit or riding of the county to another. 30 35 40 45

Powers of inspectors.

9. Each Inspector of Schools so appointed, shall have the oversight of all Public Schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed, and shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations conferred or imposed by law, upon "Local Superintendents," and which are conferred or imposed by this Act, according to such instructions as may be 50

given to him, from time to time, by the Chief Superintendent of Education.

- 10.** The remuneration of each City or Town Inspector of Schools shall be determined and provided for by the Board of inspectors.
 5 appointing him; the remuneration of the County Inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the County Council, which shall also have authority to determine and provide for the allowance for travelling expenses; *Provided also, that it shall be lawful for*
 10 *the Lieutenant-Governor in council to direct the payment, out of the consolidated revenue, of an additional sum not exceeding five dollars per school per annum to each County Inspector.* Proviso—Lieutenant Governor may direct additional remuneration.

- 11.** Each County Council, and the Board of Public School Trustees in each city, shall appoint a county or city Board of Examiners, for the examination and licensing of Teachers, in accordance with the regulations provided by law, consisting of the county or city inspector (as the case may be), and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction; *Pro-*
 20 *vided always, that in no such county or city Board of Examiners, the number of members shall exceed five; and, in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses shall be provided for as authorized by the sixteenth section of the School Law Amendment Act of 1860.* Appointment of board of examiners for teachers.
 25 Proviso—Board not to exceed five members. Quorum: Remuneration.

- 12.** It shall be the duty of the Council of Public Instruction, from time to time, by a committee of its appointment, or otherwise, to prepare and prescribe a programme and papers for the uniform examination and classification of Public School teachers; *Provided, that first class certificates of qualifications of*
 30 *teachers shall be awarded by the Council of Public Instruction only, and second and third class certificates by county and city Boards of Examiners only; And provided also, that first and second class certificates, given under the authority of this Act,* Council of public instruction to prescribe a uniform examination and classification of teachers.
 35 *shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province; Provided likewise, that all existing certificates of qualification of teachers shall remain in force until superseded by the regulations and programmes proposed under the authority of this Act;* Proviso—*as to first, second and third class certificates.*
 40 *Provided furthermore, that all Local Superintendents of Schools shall continue in office, and discharge their duties as heretofore, until provision shall be made for the appointment of County Inspectors, under the authority of this Act.* Proviso. Proviso. Proviso—Existing local superintendents.

- 13.** It shall also be the duty of the Council of Public Instruction, by the training of teachers, the programme of studies, the selection of text books, and special regulations, to provide for teaching in the public schools, the Elements of Natural History, of Agricultural Chemistry, of Mechanics, and of Agriculture. Instruction in natural history, agriculture, mechanics, etc.

- 14.** The municipal council of any township may, in case a majority of the resident householders and freeholders in two-thirds at least of the several school sections, at public meetings called in each section of the township, shall so desire it, form the township into one School municipality, as is each city and town, and to establish a Township Board of Public School County council may establish Township boards.

Trustees, as provided by the thirty-second section of the Consolidated School Act.

School sections to contain 50 resident children unless the area exceeds 4 square miles.

15. No School section shall be formed after the year 1871, which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such section shall contain more than four square miles. 5

Appeal against formation or alteration of school sections.

Authority of county councils.

16. The majority of the Trustees, or any five rate-payers of a school section, shall have the right of appeal or complaint to their county council against any by-law or resolution which has been passed, or may be passed by their township council for the formation or alteration of their School section; and it may and shall be lawful for such county council to appoint a committee of not more than five, or less than three competent persons (two of whom shall be the County Judge and a County Inspector, and a majority of whom shall form a quorum), to investigate the matter of such appeal or complaint, and confirm or disallow the by-law or resolution complained of; and on the representation and petition of the majority of the Trustees, or ratepayers, of two or more School sections in a township, present at special meetings called for that purpose, the county council shall have authority to appoint a committee of not less than five competent persons (two of whom shall be the County Judge and a County Inspector and a majority of whom shall form a quorum,) to revise and alter the boundaries of the School 15

Proviso—Who may not act on the committees.

Proviso—Alteration in the sections not to take place before the end of the year.

Proviso—School boundaries in villages.

sections of such township, so far as to settle the matters complained of; Provided always, that no person shall be competent to act on either of the committees mentioned in this clause of this Act, who was a member of the township council that passed the by-law or resolution complained of; 20
And provided also, that the alterations made in the boundaries of any School section by such committee, shall not take effect before the end of the year during which they shall be made, and of which alterations due notice shall be given by the Inspector to the clerk of the township, and to the trustees of the school sections concerned; Provided furthermore that the school boundaries of a village, existing at the time of its incorporation, shall continue in force, notwithstanding its incorporation, until altered under the authority of the school laws. 25

Manner of determining the price to be paid for school sites.

17. On the selection of land, as provided by law, for a school site, for the erection of a school-house and necessary buildings, or for enlarging school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the Trustees of any section, or Board of Trustees in cities, towns or incorporated villages, the proprietor of such land and the Trustees or Boards of Trustees shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them, shall appraise the damages to the owner of such land, and upon the tender of payment of the amount of such damages to the owner by the School Trustees, the land shall be taken and used for the purpose aforesaid; Provided nothing herein contained shall authorize the selection of a site within a hundred yards of a garden, orchard, pleasure ground or dwelling house, without the consent of the owner of such site; And provided further, that in cities, towns and incorporated villages, vacant land only shall be taken without the consent of the owner or owners. 30 35 40 45 50 55

- 18.** On the formation or alteration of a union School section or division, under the authority of the fifth section of the School Law Amendment Act of eighteen hundred and sixty, it shall be the duty of the County Inspector concerned forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution; Provided also, that it shall be competent for any County Inspector to call a meeting of the parties authorized to form and alter union School sections, and it shall be lawful for, and be the duty of the Reeves of the Township out of which the section is formed, with the County Inspector, to equalize the assessment.
- 19.** Should the clerk neglect or refuse to prepare and furnish the map of the School division of his municipality, as required by the forty-ninth section of the Consolidated School Act, he shall render himself liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the School purposes of his municipality, at the instance of any ratepayer thereof.
- 20.** The Trustees of any School section or municipality shall have the same authority to provide a residence for a School teacher that they now have by law to provide a School site.
- 21.** The report of the School Trustees required by law to be laid before the annual School meeting, shall include a summary of their proceedings and state of the School during the year, together with a detailed statement of receipts and expenditure, signed by either or both of the School auditors of the section, and in case of difference of opinion between the auditors on any matter in the accounts, it shall be referred to and decided by the County Inspector.
- 22.** Should the secretary of a Trustee corporation neglect or refuse at any time to give notice of a School Trustee meeting it shall be lawful for any Trustee to do so.
- 23.** All moneys collected in any School section by the Trustee corporation, shall be paid into the hands of the secretary-treasurer thereof; and should the Trustees refuse or neglect to take proper security from such secretary-treasurer, they shall be held to be personally responsible for such moneys, and the provisions of the one hundred and thirty-seventh section of the Consolidated School Act shall apply to them.
- 24.** Any chairman of a School meeting, who may be elected School Trustee at such meeting, shall make the declaration of office now required of Trustees by law, in presence of the secretary of such meeting.
- 25.** Should the majority of the School Trustees, or the majority of a public School meeting, neglect or refuse, in case of a difference in regard to a School site, to appoint an arbitrator, as provided in the thirtieth section of the Consolidated School Act, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter, and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree.
- On formation or alteration of union school sections Inspector to send copy of resolution to the clerk of the municipality affected. Proviso.
- Penalty if clerk neglects to furnish a map of the school divisions, under Consolidated School Act.
- Trustees may provide residences for teachers.
- Contents of the annual school trustees report.
- Differences between auditors to be referred to the Inspector.
- Notices of trustee meeting.
- Moneys to be paid to the secretary-treasurer. Trustees neglecting to take security from the secretary-treasurer.
- Declaration by chairman.
- Trustees neglecting to appoint an arbitrator in cases of differences regard school sites.

Proceedings
where an
arbitrator is
absent.

26. Should only a majority of the arbitrators appointed to decide any case under the authority of the School Laws of this Province, be present at any lawful meeting, in consequence of the neglect or refusal of their colleagues to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of such adjournment. 5

Differences
between trust-
ees and
teachers
to be settled
by the county
judge.

27. All matters of difference between Trustees and teachers, authorized and required by the eighty-fourth, eighty-fifth, eighty-sixth and eighty-seventh sections of the Consolidated School Act, 22 Vic., Chap. 64; the ninth section of the School Laws Amendment Act, 23 Vic., Chap. 49; and the ninth section of the Grammar School Improvement Act of 1865, 29th Vic., Chap. 29; to be settled by arbitration, shall hereafter be brought and decided in the division court by the judge of the county court in each county, and the said clauses of the said Acts are hereby repealed; Provided always, that the decision of any county judge in all such cases may be appealed from, as provided in the one hundred and eighth and five following sections, or sub-sections of the said Consolidated Common School Act, and the twenty-eighth section of this Act. 10 15 20

Proviso—
Appeal from
judge's deci-
sion.

In cases ap-
pealed, judge
to send state-
ment of claim,
etc., to chief
superinten-
dent of educa-
tion.

28. Any division court judge receiving an intimation of appeal from his decision, under the authority of the one hundred and eighth and five following sections of the Consolidated School Act, shall thereupon certify, under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. 25

Summer vaca-
tions.

29. The summer vacations of all the Public Schools shall be from the fifteenth day of July to the fifteenth day of August, inclusive. 30

22 Vic., cap.
64, amended.

30. Several sections and sub-sections of the Consolidated Common School Act for Upper Canada, 22 Victoria, Chapter 64, shall be amended as follows: 35

Sec. 23.

(1.) The twenty-third section, after the words "twenty dollars," shall read, "to be sued for and recovered before a justice of the peace, by the Trustees of the School section, or by any two ratepayers, for its use."

Sec. 27, sub-s.
2.

(2) In the second sub-section of the twenty-seventh section, the words, "and shall proceed in the same manner as ordinary collectors of county or township rates and assessments," shall be amended to read as follows: "and shall have the same powers and proceed in the same manner in his School section and township, as a township collector, in collecting rates in a township or county, as provided in the Municipal Corporations and Assessment Acts." 40 45

Sec. 27, sub-s.
8.

(3.) The eighth sub-section of the same (twenty-seventh) section shall be amended by striking out all the words therein after the word "salaries." 50

Sec. 27, sub-s.
9.

(4.) The ninth sub-section of the same (twenty-seventh) section, after the words "school section," shall be amended, so as to

read as follows: "but they [the Trustees] shall not give such order in behalf of any teacher, except for the actual time during which said teacher, while employed, held a legal certificate of qualification."

- 5 (5.) At the end of the twelfth sub-section of the same (twenty-
seventh) section, the following words shall be added: "and in
case of any omission or mistake in such roll, the township coun-
cil shall have authority to correct it." Sec. 27, sub-s.
12.

- (6.) In the first sub-section of the ninety-first section, the
10 words, "he shall apportion no money," shall read, "he shall
apportion, but shall not give an order to pay money." Sec. 91, sub-s.
1.

31. Wherever reference is made in any School Act to the
Municipal Institutions or Assessment Acts, it shall be held to
mean those Acts or amendments to them which may be in force
15 at the time of performing any duty under their authority. Reference in
school Acts to
the Municipal
and Assess-
ment Acts.

32. The public schools in cities, towns and incorporated vil-
lages shall be under the management of Boards of Public
School Trustees; and each of such boards shall be a corpora-
tion under the designation of Public School Board, and shall
20 succeed to all the property, rights, obligations and powers of
Boards of Common School Trustees in such cities, towns and
villages; Provided that the Common School Boards shall con-
tinue in office until their successors are elected, as provided by
the thirty-third section of this Act. Grammar and
public schools
to be under
the boards of
public school
trustees.

Proviso—as to
existing
boards.

- 25 33. The members of the Public School Boards shall be
elected and classified in the manner provided by law for the
election and classification of Common School Trustees in
cities, towns, incorporated villages and other School divi-
sions, as the case may be; which elections shall be held on the
30 second Wednesday in July in each year, and the first election
on the first Wednesday in July next after the passing of this
Act, commencing at ten o'clock in the forenoon; Provided
that the meeting for the nomination of school trustees, required
to be held in the city of Toronto on the last Wednesday in De-
35 cember by the (Toronto) School Act, 32 Vic., c. 44, (which Act,
except the ninth section thereof [relating to Coloured Schools],
is hereby declared to apply to the city of Toronto alone), shall,
as therein provided, be held on the Wednesday next preceding
the day fixed by this section for the election of public school
trustees. Election and
classification
of members
of the board.

Time for hold-
ing the elec-
tions.

Proviso—
Where high
schools are
established,
municipal
councils may
appoint mem-
bers to the
board.

- 40 34. Boards of Grammar School Trustees shall be designated
High School Boards; and the Grammar Schools shall be desig-
nated and known as High Schools, in which provision shall be
made for teaching the higher branches of an English and com-
45 mercial education, including the natural sciences, with special
reference to agriculture, and, also, the Latin, Greek, French and
German languages, to those pupils whose parents or guardians
may desire it, according to a programme of studies and regu-
lations, which shall be prescribed from time to time by the
50 Council of Public Instruction, with the approval of the
Lieutenant-Governor in Council. Grammar
schools to be
high schools.

Education
therein.

35. All the provisions of the Grammar School Act shall, as
as far as is consistent with the provisions of this Act, apply to Certain provi-
sions of the
grammar

school Act to apply to this Act.

Board may provide for the support of high schools.

High Schools, their Trustees, head masters, and other officers, as fully as they apply to Grammar Schools and their officers And as far as the fund will permit, it shall be lawful for the Lieutenant-Governor in Council to authorize the establishment of additional High Schools upon the conditions prescribed by the Grammar School Act and this Act.

5

Application of the grammar school grant.

36. The grammar or high school grant shall be exclusively applied in aid of high schools ; and the sums of money required to be raised from local sources for the support of a high school in a city shall be provided by the municipal council of 10 such city, upon the application of the High School Board. In the case of towns and incorporated villages, such sums shall be equally provided, upon the application of the high school board, by the municipal council of such town, or village, and by the municipal council of the county within which such town or village is situated ; but in the case of a high school 15 situated in a village which is not incorporated, one half of such sum shall be provided, upon the application of the high school board, by the municipal council of the county within the limits of which such high school is established, and the other half by the Trustees of the village school section, or division, in which 20 such high school is situated.

Conditions upon which Public or High Schools may share in the school fund.

37. No Public or High School shall be entitled to share in the Fund applicable to it unless it is conducted according to the regulations provided by law ; and each High School conducted according to law, shall be entitled to an apportionment of not 25 less than three hundred, and not more than one thousand dollars per annum, according to the average attendance of pupils, their proficiency in the various branches of study, and the length of time each such High School is kept open as compared with other High Schools.

30

Board of examiners for admission of pupils to high schools.

38. The County, City, or Town Inspector of Schools, the Chairman of the High School Board and the head master of the High School shall constitute a Board of Examination for the admission of pupils to the High School, according to 35 the regulations and programme of examination provided according to law ; and it shall be the duty of the Inspector of High Schools to see that such regulations are duly observed in the admission of pupils to the High Schools ; Provided, nevertheless, that the pupils already admitted as Grammar School pupils according to law, shall be held eligible without further 40 examination for admission as pupils of the High Schools ; And provided furthermore, that pupils from any part of the County in which a High School is or may be established shall be admitted to such school on the same terms as pupils within the town or village of such school, upon the condition always, that 45 the Council of such county shall contribute *pro rata* towards raising the sum or sums required by law to be provided from local sources to entitle such High School to share in the Grammar School Fund.

Proviso—As to pupils already admitted to grammar schools.

Proviso—As to the admission of pupils from the county.

Inspectors of grammar schools to be inspectors of high schools.

39. The Inspector or Inspectors of Grammar Schools now 50 authorized by law, shall be known as the Inspector or Inspectors of High Schools.

County Council may form high school districts.

40. Any county council may form the whole or part of one or more townships, towns and villages within its jurisdiction 55 into a high school district ; and the high school board of such

district shall possess all the powers within the said district for the support and management of their high school, and in respect to the county council, as are possessed under the Grammar School Acts and this Act by high school boards in respect to the support and management of the schools under their care; and such county council may appoint and determine the continuance and succession in office of six duly qualified persons as members of such high school board.

Board of trustees—how appointed.

Power of board of trustees.

County councils may appoint members to the board.

41. And whereas it is desirable to encourage the establishment of superior classical Schools, it shall be lawful for the Lieutenant-Governor in Council to confer upon any High School, in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language shall not be less than sixty, the name Collegiate Institute; and toward the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor in Council to authorize the payment of an additional sum, at the rate of, and not exceeding seven hundred and fifty dollars per annum out of the Superior Education Fund, provided under the authority of the tenth section of the Consolidated Grammar School Act, twenty-second Victoria, chapter sixty-three; Provided, that if in any year the average of pupils above described shall fall below sixty, or the number of masters be less than four, the additional grant shall cease for that year. And if the said average shall continue to be less than sixty, or the number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor in Council, under the conditions provided by this section.

Collegiate institutes.

Grant in support of collegiate institutes.

Proviso.

42. Be it furthermore enacted, that it may and shall be lawful for the Public School Board of each city, town and village to establish one or more Industrial Schools for otherwise neglected children and to make all needful regulations and employ the means requisite to secure the attendance of such children, and for the support, management and discipline of such school or schools.

Industrial schools.

43. Each teacher of a public school holding a certificate of qualification under the School Acts of this Province shall pay into the fund for the support of superannuated school teachers the sum of four dollars annually; and each Inspector of schools is hereby authorized and required to deduct one half of such sum semi-annually from any payments made by him to any teacher under his jurisdiction, and transmit the same to the Education Department; Provided always that any teacher retiring from the profession shall be entitled to receive back from the Chief Superintendent one half of any sums thus paid in by him to the fund; and provided further that on the decease of any teacher, his wife, or other legal representative, shall be entitled to receive back the full amount paid in by such teacher, with interest at the rate of seven per centum per annum.

Inconsistent clauses of former Acts repealed.

44. The summer vacation in the high schools and public schools throughout the Province shall be from the first day of July until the fifteenth day of August inclusive.

45. All the provisions of the Grammar and Common School Acts which are inconsistent with this Act are hereby repealed.

BILL.

An Act to Improve the Common and Grammar Schools of the Province of Ontario.

(Reprinted as ordered by the House.)

First Reading, 13th Dec., 1870.

Hon. Mr. CAMERON.

TORONTO:

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DRAFT OF BILL

To Improve the Common and Grammar Schools of
the Province of Ontario, with Explanatory Notes
and Preliminary Letter to the Provincial Secretary,
by the Chief Superintendent of Education.

SIR,—

The law requires the Chief Superintendent of Education to submit annually to the Governor "such statements and suggestions for improving the Common Schools and Common School laws, and promoting education generally, as he may deem useful and expedient." In the performance of this part of my prescribed duties, I have the honour to submit to the favourable consideration of the Government, with a view to its being introduced into the Legislative Assembly, the accompanying draft of Bill, for the improvement of both the Common and Grammar Schools, and for the more practical and thorough education of the youth of the country. The objects of this Bill are as follows :

First.—To remedy certain defects in the existing School Laws, and thereby relieve Trustees and other local parties from inconveniences and embarrassments in the discharge of their duties, on account of these defects in several clauses of the existing School Law.

Secondly.—To provide for the uniform examination and classification of Common School teachers, and to make first and second class certificates of qualification, permanent during good behaviour, and available throughout the Province.

Thirdly.—To provide for the more thorough inspection and oversight of the Schools, by duly qualified Inspectors or Superintendents.

Fourthly.—To make all the Common Schools free by law, and thus end the disputes which annually occur in many School sections on the subject.

Fifthly.—To provide for the establishment of industrial schools for idle and vagrant children, in cities, towns and villages, where they may be deemed desirable and necessary by the local School authorities.

Sixthly.—To provide, as far as practicable, that each child in the land, from the age of seven to twelve years inclusive, shall have the advantage of at least four months' instruction annually in the Common Schools.

Seventhly.—To provide, for teaching in the Schools, the elements of physical science in connection with agricultural, mechanical and manufacturing pursuits, and thus render practical help to these great material interests of the country.

In this draft of Bill, I have embodied the substance of both the Common and Grammar School Bills laid before the Legislative Assembly at its last session, omitting or modifying those clauses to which any serious objections were made. The general provisions of the Common School Bill of last year have specially excited much attention and interest, and met with

very general approval. This may be seen by referring to the extracts from the reports of Local Superintendents, as given in the appendix of my annual report for 1869, pages 51, 52, 54, 55, 57, 59, 68, 69, 71, 95, 98, 103, 106, and there are but two or three instances where the subject is referred to in these reports, in which regret is not expressed at the suggested improvements not having become law.

After each clause of the accompanying draft of Bill, I have inserted (in brackets) the remarks (when thought necessary), in order to explain it. and to show its necessity.

I will, therefore, only further direct attention to one of the great objects of the Bill, namely, to make our Common Schools more directly and effectively subservient to the interests of agriculture, manufactures and mechanics.

In my first special report on "a system of Public Elementary Education for Upper Canada," laid before the Legislature in 1846, I stated the institutions necessary for these purposes; and in the concluding remarks of my last two annual reports, I have expressed strong convictions on the subject. When we consider the network of railroads which are intersecting, as well as extending from one end to the other of our country, the various important manufactures which are springing up in our cities, towns and villages, and the mines which are beginning to be worked, and which admit of indefinite development, provision should undoubtedly be made for educating our own mechanical and civil engineers, and chief workers in mechanics and mines; but I here speak of the more elementary part of this work of practical education, which should be given in the ordinary Public Schools.

It must be admitted that though the general organization of our Public School system is much approved, and although the schools themselves have improved; yet that the knowledge acquired in them is very meagre—extending for practical purposes very little, and in many cases not at all, beyond what have been termed the three R's—Reading, 'Riting and 'Rithmetic, and that rather elementary. If the system of schools cannot be greatly improved, what is taught in the schools should be greatly advanced and extended, I entirely agree with the Hon. Mr. Carling, Commissioner of Agriculture, who, in a late able report, remarks:—"Nothwithstanding the great advancement we have made within a period comparatively short, I have a growing conviction that something more is required to give our education a more decidedly practical character, especially in reference to the agricultural and mechanical classes of the community, which comprise the great bulk of the population, and constitute the principal means of our wealth and prosperity. What now appears to be more specially needed in carrying forward this great work is, in addition to the ordinary instruction in Common Schools, the introduction of the elementary instruction in what may be termed the foundation principles of agricultural and mechanical science."

What Dr. Lyon Playfair has remarked, in an opening address to the Educational section of the Social Science Congress lately held at Newcastle, in regard to English elementary schools and

the teaching of practical science in them, applies largely to Canada:

"The educational principle of Continental nations is to link "on primary schools to secondary improvement schools. The "links are always composed of higher subjects, the three R's "being in all cases the basis of instruction; elementary science, "and even some of its applications, is uniformly encouraged and "generally enforced. But as we have no schools corresponding "to the secondary improvement schools for the working classes, "we suppose we can do without, used as links. No armour- "plate of knowledge is given to our future artizan but a mere "veneer of the three R's, so thin as to rub off completely in "three or four years of the wear and tear of life. Under our "present system of elementary teaching, no knowledge what- "ever, bearing on the life-work of a people, reaches them by "our system of State education. The air they breathe, the "the water they drink, the tools they use, the plants they grow, "the mines they excavate, might all be made the subjects of "surpassing interest and importance to them during their whole "life; yet of these they learn not one fact. Yet we are sur- "prised at the consequences of their ignorance. A thousand "men perish yearly in our coal mines, but no school master tells "the poor miner the nature of the explosive gas which scorches "him, or of the after damp which chokes him. Boilers and "steam-engines blow up so continually that a Committee of "the House of Commons is now engaged in trying to diminish "their alarming frequency, but the poor stokers who are scalded "to death, or blown to pieces, were never instructed in the "nature and properties of them. In Great Britain alone more "than one hundred thousand people perish annually, and at "least five times as many sicken grievously, out of pure "ignorance of the laws of health, which are never taught them "at school. The present system is truly ignoble, for it sends "the working man into the world in gross ignorance of every- "thing that he has to do in it. The utilitarian system is noble "in so far as it treats him as an intelligent being who ought to "understand the nature of his occupation, and the principles "involved in it. The great advantage of directing education "towards the pursuits and occupations of the people, instead "of wasting it on dismal verbalism, is that while it elevates "the individual, it at the same time gives security for the "future prosperity of the nation. There are instances of "nations rich in natural resources of industry, yet poor from "the want of knowledge how to apply them; and there are "opposite examples of nations utterly devoid of industrial "advantages, but constituted of an educated people who use "their science as a compensation for their lack of raw material. "Spain is an example of the first class, and Holland of the "second."

In further illustration of this subject, I beg to add a few words by Professor Agassiz, formerly a distinguished teacher in Switzerland, latterly a more distinguished professor in the United States. In an address at an educational meeting in Boston "on the desirability of introducing the study of natural history into our schools, and of using that instruction as a means of developing the faculties of children and leading them to a knowledge of the Creator," Professor Agassiz observes:

"I wish to awaken a conviction that the knowledge of na-

ture in our days lies at the very foundation of the prosperity of States ; that the study of the phenomena of nature is one of the most efficient means for the development of the human faculties, and that, on these grounds, it is highly important that this branch of education should be introduced into our Schools as soon as possible. To satisfy you how important the study of nature is to the community at large, I need only allude to the manner in which, in modern times, man has learned to control the forces of nature, and to work out the material which our earth produces. The importance of that knowledge is everywhere manifested to us. And I can refer to no better evidence to prove that there is hardly any other training better fitted to develop the highest faculties of man than by alluding to that venerable old man, Humboldt, who was the embodiment of the most extensive human knowledge in our day, who acquired that position, and became an object of reverence throughout the world, merely by his devotion to the study of nature. If it be true, then, that a knowledge of nature is so important for the welfare of states, and for the training of men to such high positions among their fellows, by the development of their best faculties, how desirable that such a study should form part of all education ! And I trust that the time when it will be introduced into our Schools will only be so far removed as is necessary for the preparation of teachers capable of imparting that instruction in the most elementary form. The only difficulty is to find teachers equal to the task, for, in my estimation, the elementary instruction is the most difficult. It is a mistaken view with many, that a teacher is always efficiently prepared to impart the first elementary instruction to those entrusted to his care. Nothing can be further from the truth ; and I believe that in entrusting the education of the young to incompetent teachers, the opportunity is frequently lost of unfolding the highest capacities of the pupils, by not attending at once to their wants. I have been a teacher since I was fifteen years of age, and I am a teacher still, and I hope I shall be a teacher all my life. I do love to teach ; and there is nothing so pleasant to me as to develop the faculties of my fellow beings who, in their early age, are entrusted to my care ; and I am satisfied that there are branches of knowledge which are better taught without books than with them ; and there are some cases so obvious, that I wonder why it is that teachers always resort to books when they would teach some new branch in their schools. When we would study natural history, instead of books let us take specimens—stones, minerals, crystals. When we would study plants, let us go to the plants themselves, and not to the books describing them. When we would study animals, let us observe animals.”

These views, to a limited extent, have been successfully acted upon in our Normal and Model Schools, but I propose to carry them into more certain and general operation, by an additional Lectureship in the Normal School for the special purpose of preparing teachers to teach the subjects indicated in the Common and High Schools, and to make the teaching of them a part of the programme of instruction in our public Schools. We have, already, in the Educational Museum the specimens of models necessary for a school of both the fine and some of the mechanical arts ; and I trust there will soon be supplemented Schools of mechanical and civil engineering, if not of architec-

ture, as also of manufactures and agriculture. But what I here propose relates to the elementary education which may be imparted on these subjects in the Common and High Schools, for which it is also proposed to provide for a more thorough and practical inspection.

I have now entered upon the twenty-seventh year of my labours in the Department of Public Instruction; and herewith submit my final recommendations for improving our school system, and the character and usefulness of our public Schools.

I have the honour to be, Sir,

Your obedient servant,

(Signed) E. RYERSON.

THE HONOURABLE M. C. CAMERON, M.P.P.,

Secretary of the Province,

TORONTO.

BILL.

An Act to Improve the Common and Grammar Schools of the Province of Ontario.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All Common Schools, which shall hereafter be designated and known as Public Schools, shall be free schools ; and the Trustees of school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner now provided by law, levy and collect the rate upon all the taxable property of the school division or municipality (as the case may be), to defray the expenses of such schools, as determined by the Trustees thereof.

[*Remarks on the first section.*—Since 1850 it has been left to the rate-payers in each school division to decide annually whether the Schools should be free, or partly supported by ratebill on pupils attending the school. The principle, that a Common School education is the right of every child in the land, and that every man should contribute, according to his property, to the education of every child in the community, by whose influence and labours such property is protected and rendered valuable, has greatly obtained, so that free schools have increased from one hundred to five hundred per annum, until upwards of four thousand of the four thousand four hundred Common Schools have been made free by actual experiments, and by the annual discussions and votes in these primary meetings of the people ; and the demand has been very general for several years, that all the Common Schools should now be made free by law, and all local disputes on the subject be thus terminated.]

2. Each School corporation shall provide adequate accommodations for all children of school age in their school division or municipality, in conformity with regulations which shall be prepared according to law.

[*Remarks on the Second Section*—This section naturally follows from the preceding one ; for if the school is to be free to every child of school age, school-house accommodation should be provided accordingly. This section, simple in its form, is substituted for the much objected to section of the School Bill of last session, giving a County Superintendent discretionary power of judging of the suitableness of school-house accommodations, as in the case of the State of New York.]

3. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school for four months in each year; and any parent or guardian who does not provide that each child under his care shall attend some school, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act; Provided always, that the absolute right of selecting either a public or private school, for the attendance of any child, shall be with the parent or guardian of such child. Provided nevertheless, that any pupil who shall be adjudged so refractory by the Teacher and County Inspector, that his presence in the School is deemed injurious to the other pupils, may be dismissed from such School, and, where practicable, removed to an Industrial School.

[*Remarks on the Third Section.*—The provision in this section is the legitimate consequence of the principle involved in the first section; for if

every man is to be taxed according to his property, for the common school education of every child in the land, every taxpayer has a right to claim that every child shall be educated; otherwise, it is raising money by taxation under false pretences.]

4. It shall be competent for the Police Magistrate of any city or town, and for any Magistrate in any village or township, or town where there is no Police Magistrate, to investigate and decide upon any complaint made by the Trustees, or any person authorized by them, against any parent or guardian for the violation of this Act, and to impose a fine not exceeding five dollars, and imprisonment until paid, for the first wilful offence, and double that penalty for each subsequent offence, which fine and penalty shall be enforced as provided in the one hundred and fortieth section of the Consolidated School Act; Provided always, that it shall be the duty of such Magistrate to ascertain, as far as may be, the circumstances of any party complained of, and whether such alleged violation has been wilful, or has been caused by extreme poverty, or too great a distance from any School, or the child is being otherwise educated; and in either of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the Trustees of the division in which the offence has occurred.

[*Remarks on the Fourth Section.*—The necessity of this section grows out of the preceding sections; for if every man is to be taxed according to his property for the education of every child, and if every child has a right to school instruction, some provision is needful to secure both the ratepayer and the child against the oppression and wrong which may be inflicted by an unnatural guardian or parent. Society at large, no less than the parties immediately concerned, requires this protection; and the protecting provision in this clause is milder and more guarded than a corresponding one in the State of Massachusetts, and other countries where Common School education is provided for and guaranteed to every child in the country. According to this clause, no parent or guardian is liable to punishment whose wrong against society and his youthful charge is not wilful and criminal. If such a protecting section in this mild and guarded form is found, on trial, to be insufficient for the purposes intended, a more stringent one can be enacted by the Legislature hereafter. But, I believe this section will, upon the whole, secure the end proposed.]

[N.B.—These first four sections of the Bill are essentially connected with, and dependent upon, each other, for their efficiency.]

5. In each county or union of counties, there shall be one or more School Officers, to be called County Inspectors, who shall have charge of not more than *one hundred* Schools each; Provided always that there shall not be more than one such officer in each riding of a county.

6. Each city or town shall be a county for the purposes of this Act, and the inspector shall be called the city or town inspector, and shall possess all the powers of a county inspector in such city or town, except such as relate to investigating and deciding on School Trustee election complaints, which now by law devolve on the county judge.

7. The qualifications of county, city, or town inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification, and grant certificates of qualification; and no one not holding such certificate of qualification shall be eligible to be appointed an inspector.

[*Remarks on the fifth, sixth and seventh sections.*—In all educating countries, the *thorough inspection* of schools is regarded as *essential* to their efficiency and improvement; and this cannot be done except by men who are competent to *teach* the schools themselves. The want of practical and *thorough inspection* has undoubtedly been a serious impediment to any improvement in the Schools

in many parts of the Province; nor can any improvement be expected in the Schools generally without an improved system of inspection. It is an anomaly in our school system, on which I have remarked more than once, that while a legal standard of qualification is prescribed for teachers of schools, no standard of qualification whatever has been prescribed for the Superintendents of teachers and schools. The consequence is, that while some efficient and excellent local superintendents have been appointed, many persons have been appointed from electioneering and kindred considerations, who are both incompetent for and indifferent to the duties of the office. I have been assured by many county councillors, that they would consider the legal defining of a local superintendent's qualifications for office as a great help in enabling them to resist improper electioneering pressure, and in the selection of the best qualified men for that important work. In the State of Pennsylvania, no one can be appointed to the office of County Superintendent but "*a person of literary and scientific acquirements, and skill and experience in teaching.*" With our present system of Township Superintendents, there is not only no legal standard of qualifications, but experienced teachers are practically excluded from the office, because the salary attached to it is insufficient for their support, and they have (as a general rule) no other profession or employment by which to gain a livelihood. But if the sphere of the office is enlarged, so as to occupy the entire time of the inspector, and to secure him a support, and if the qualifications of it are duly defined, then it is opened to the able and experienced teacher, as the legitimate reward of his merits, and for the public interests. This is what is contemplated by the fifth, sixth, seventh, eighth, ninth and tenth sections of this Bill. The average number of schools in each electoral *Riding* is about fifty, although a County Council may appoint a Superintendent to the charge of one hundred schools. Our American neighbours have thoroughly tried the systems of both Township and County Superintendents. The State Commissioner of Schools in Ohio says: "Our system of township supervision of Schools has proved a lamentable failure. Similar systems in other States have uniformly failed. Any system of supervision for the country schools must necessarily fail, that does not make provision for the employment of *competent Superintendents, whose entire energies are given to the work.*" The value of local supervision, through the agency of competent County Superintendents, has been tested in other States. Pennsylvania adopted the system in 1854, New York in 1856, Illinois, Wisconsin, Maryland, West Virginia, California, and several other States subsequently; and the testimony from each of them is, that it has proved a most valuable feature of their school system. The Superintendent of Public Instruction in Pennsylvania says: "County Superintendents were first elected in this State in 1854, and it is not claiming too much for the office to say that it has vitalized the whole system. To it, more than to any other agency, or to all other agencies combined, we owe our educational progress of late years."

[I may observe that more than four-fifths of the County School Conventions held in the several counties of this province two years since, desired duly qualified County Superintendents, in place of Township Superintendents. The services of several efficient County and City Superintendents may be regarded as a sufficient evidence of their qualifications; but for all new candidates, experience in teaching should be deemed an essential qualification for the office, together with a knowledge of subjects taught in the Schools, which can be ascertained by examination papers sent, under seal, to the Warden, or some other County Officer, and opened at an appointed time and place, the same day, in every county of the province, and with the testimonials and answers of candidates to the questions proposed, collected at an appointed hour, and returned to the Education Department at Toronto, where the answers to the questions will be examined, and the certificates of qualification issued accordingly. This is the method adopted by the Council of the London University in conferring degrees. The examination papers are prepared by the appointed Examiners, in London, and sent under seal to persons selected, in principal cities and towns in Great Britain and Ireland, where candidates repair, and where (under oath) the examination papers are opened on the same day and hour, and resealed at a given hour, with the answers of candidates, and returned to the Examiners, who decide upon the merits of the answers, and recommend the conferring of the degrees accordingly. It is proposed to adopt the same method in this Province in giving first-class Provincial certificates to Teachers.]

[The terms "County and Township Superintendents" have been adopted by us from our American neighbours. The word *Inspector* is shorter than that of *Superintendent*, and is more expressive of the duties of the office; and it has been used from the beginning to designate the corresponding officer in respect to Grammar Schools. It is proposed to employ it instead of Superintendent in connection with the Common Schools.]

8. Each County Council, and each Board of Public School Trustees in a city or town, shall appoint from among those holding the necessary certificate of qualification, one person to be Inspector of Common Schools in such county, city or town; and in counties where there are or shall be more than fifty Public Schools, the County Council may appoint two or more

persons, according to the number of Schools, holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each; Provided, nevertheless, that any County, City or Town Inspector shall be subject to dismissal for misconduct or inefficiency, by the Council or Board appointing him, or by the Lieutenant-Governor in Council, as regards any County Inspector; and the vacancy thus caused shall be filled from the list of those legally qualified by the Council or Board authorized to appoint such Inspector; Provided likewise, that no Inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him; and provided furthermore, that in a county where there are two or more County Inspectors, the Council of such county may, from time to time, change or remove such Inspectors from one circuit or riding of the county to another.

[Remarks on the Eighth Section.—Most of the counties are divided into electoral ridings. In those few counties which are not divided into ridings, the number of Public Schools is less than one hundred. It is proposed to leave it to the direction of County Councils to appoint an Inspector for every fifty schools, but not more than one for a riding.

[The mode of appointing Inspectors is proposed to be left as it now is; but as they have the distribution and payment of School moneys, and discharge most of their duties in connection with, or under, the instructions of the Education Department; as unfaithfulness or deficiency in any of these respects can only be known to the Department; and as one-half of their salaries is proposed to be paid out of the public revenue, the power of dismissal for misconduct or inefficiency is proposed to be vested in the Lieutenant-Governor in Council, as well as in the County Council—thus affording better security for the faithful and efficient discharge of the duties of the office; but, in all cases, leaving to the County Council the power to fill the vacancy.]

9. Each Inspector of Schools so appointed, shall have the oversight of all Public Schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed, and shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations conferred or imposed by law, upon "Local Superintendents," and which are conferred or imposed by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education.

[Remarks on the ninth section.—This section simply defines the powers and duties of County Inspectors, the same as those hitherto specified by law in regard to each Superintendent, and needs no further explanation.]

10. The remuneration of each City or Town Inspector of Schools shall be determined and provided for by the Board appointing him; the remuneration of the County Inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the County Council, which shall also have authority to determine and provide for the allowance for travelling expenses; Provided also, that it shall be lawful for the Lieutenant-Governor in council to direct the payment, out of the consolidated revenue, of an additional sum not exceeding five dollars per school per annum to each County Inspector.

[Remarks on the tenth section.—The assistance thus proposed to be given by the Government towards providing for the remuneration of School Inspectors, will contribute immensely to the efficiency of the office in every respect.]

11. Each County Council, and the Board of Public School Trustees in each city, shall appoint a county or city Board of Examiners, for the examination and licensing of Teachers, in accordance with the regulations provided by law, consisting of the county or city inspector (as the case may be), and two or more other competent persons, whose qualifications shall, from time to

time, be prescribed by the Council of Public Instruction; Provided always, that in no such county or city Board of Examiners, the number of members shall exceed five; and, in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses shall be provided for as authorized by the sixteenth section of the School Law Amendment Act of 1860.

[Remarks on the eleventh section.—Both the State and County Boards of Examiners, in the neighbouring States, are composed of only three members each. In Universities, seldom, if ever, more than two examiners,—often not more than one, are appointed to examine for degrees or honours, in particular subjects. In the present case, the examination papers, together with the value of the answers, will be provided by the Education Department and sent to every county, city and town Board of Examiners throughout the Province. Thus, the local Boards of Examiners will be relieved of the most tedious and difficult part of the work which they have heretofore performed; uniform examinations will be provided for all the teachers of the Province, and much time and expense will be saved by reducing the numbers and labours of the County Boards.]

12. It shall be the duty of the Council of Public Instruction, from time to time, by a committee of its appointment, or otherwise, to prepare and prescribe a programme and papers for the uniform examination and classification of Public School teachers; Provided, that first class certificates of qualifications of teachers shall be awarded by the Council of Public Instruction only, and second and third class certificates by county and city Boards of Examiners only; And provided also, that first and second class certificates, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province; Provided likewise, that all existing certificates of qualification of teachers shall remain in force until superseded by the regulations and programmes proposed under the authority of this Act; Provided nevertheless, that no certificate of qualification shall be valid any longer than the holder thereof shall pay four dollars per annum into the fund for the support of superannuated or worn-out teachers, as provided by law; which sum shall, in all cases, be paid in advance during the month of January in each year; Provided furthermore, that all Local Superintendents of Schools shall continue in office, and discharge their duties as heretofore, until provision shall be made for the appointment of County Inspectors, under the authority of this Act.

[Remarks on the twelfth section.—The law has already authorized the Council of Public Instruction to do what is here prescribed as its duty; and the manner in which it is proposed to discharge this duty has been explained in the remarks on the preceding eleventh section of the Bill. It will be justly regarded as a boon to the profession of school teachers, to provide that first and second class certificates shall be for life, during good behaviour, and available in all parts of the Province. And it may be a matter of consideration whether first class certificates thus obtained shall not qualify the holders, without further examination, not only to be members of County Boards of Examiners, but also to be eligible for the office of County Inspector. The Teachers' Provincial Association has recommended that no person shall be eligible for a first class certificate who shall not furnish proof of having been a successful teacher during five years.]

[The proviso that each legally certified teacher shall pay for his or her license to the fund established by law for the support of superannuated or worn-out teachers, is a principle of the English and Dominion Civil Service Acts, and will do much to provide permanency in, and elevate the teachers' profession; while the salaries of teachers in their agreements with Trustees, will no doubt, in most cases, be augmented in proportion.]

13. It shall also be the duty of the Council of Public Instruction, by the training of teachers, the programme of studies, the selection of text books, and special regulations, to provide for teaching in the public schools, the Elements of Natural His-

tory, of Agricultural Chemistry, of Mechanics, and of Agriculture.

[*Remarks on the thirteenth section.*—This important section is intended to provide for introducing a new feature into our whole system of Public School instruction. On the nature and importance of this provision, to render the teaching in our Normal, Common and High Schools more practically and directly subservient to the interests of agriculture and manufactures, I have remarked, in my preliminary observations on the objects and scope of this Bill. I need not repeat them here. It is proposed that there shall be an additional mastership or lectureship in the Normal School, for the special training of a class of teachers to teach the elements of natural science, with special reference to agriculture and manufactures—including the elements of Agricultural Chemistry and Agriculture, Natural History and Mechanics; to make these subjects parts of the instruction given in the Public Schools, and make special appropriations to those schools in which they shall be efficiently taught.]

14. The municipal council of each county, or union of counties, shall have authority, if it shall deem it expedient, to form any of the Townships within its jurisdiction into one School municipality, as is each city and town, and to establish a Township Board of Public School Trustees, as provided by the thirty-second section of the Consolidated School Act.

[*Remarks on the fourteenth section.*—Ever since 1850, there has been a provision in the School Acts for the establishment of Township Boards, as contained in the thirty-second section of the Consolidated School Act; but by the unfortunate wording of that section, no such Board can be established without a majority of votes in every single School section of the township. It has occurred that out of twenty School sections in a township, the majority of the ratepayers in *nineteen* of them voted for the establishment of a Township Board, but the majority in *one* section voted against it, and thus defeated the wishes of the nineteen-twentieths of the ratepayers. Under these circumstances, the thirty-second section of the School Act has remained a dead letter for twenty years, and no fair means have existed as yet to give it a trial, though a large majority of the County School Conventions, on two occasions, have voted to do so. It is therefore proposed to leave it to the municipal council of each county, when the circumstances and opinions of competent persons in any township may render it desirable to form such township into one School municipality, under one Board of Trustees, as is the case in cities, towns and villages, doing away with the inconvenience of separate School section divisions and rates, and leaving parents to send their children to the nearest school. After long trying the School section system, Massachusetts, Pennsylvania, Ohio, and other States, have adopted the Township Board system, and pronounce it immensely superior to the School section system. The county council, if the experiment should not prove satisfactory, can, at any time, repeal its own by-law establishing such Board.]

15. No School section shall be formed or recognized, after the year 1871, which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such section shall contain more than four square miles.

[*Remarks on the fifteenth section.*—This section is designed to prevent the formation or continuance of too small sections—an evil which requires a remedy, as in some townships, sections have been formed so small as to be too weak and poor to support a good school even half the year.]

16. The majority of the Trustees, or any three rate-payers of a school section, shall have the right of appeal or complaint to their county council against any by-law or resolution which has been passed, or may be passed by their township council, for the formation or alteration of their School section; and it may and shall be lawful for such county council to appoint a committee of not more than five, or less than three competent persons (one of whom shall be a County Inspector, and a majority of whom shall form a quorum), to investigate the matter of such appeal or complaint, and confirm or disallow the by-law or resolution complained of; and on the representation and petition of the majority of the Trustees, or ratepayers, of two or more School sections in a township, present at special meetings called for that purpose, the county council shall have authority to appoint a committee of not less than five competent persons (of whom a County Inspector shall be one, and a majority of

whom shall form a quorum,) to revise and alter the boundaries of the School sections of such township, as far as such committee shall judge expedient; Provided always, that no person shall be competent to act on either of the committees mentioned in this clause of this Act, who was a member of the township council that passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any School section by such committee, shall not take effect before the end of the year during which they shall be made, and of which alterations due notice shall be given by the Inspector to the clerk of the township, and to the trustees of the school sections concerned.

[*Remarks on the sixteenth section.*—In no part of the administration of the School system has there been so much complaint as in the formation and alteration of School sections. The power to form and alter School sections was once vested in the Local Superintendents, as it still is in one or two of the neighbouring States; but, on account of loud complaints as to its frequent injudicious and partial exercise, the power was placed in other hands. The township council has been empowered to form and alter school sections within its jurisdiction at its discretion. This power has been generally exercised with prudence and judgment; yet, as each council consists of from three to five members, all of whom are residents of the township, and interested in the section within the limits of which they respectively reside, it is complained that, in many cases, they form such sections for their own convenience, and other sections for the special convenience of their supporters at elections, while other sections are laid out in straggling forms, to the great disadvantage of many rate-paying parents of children. How far these complaints are well-founded, it is not for me to say; but it is desirable that there should be the right and opportunity of appeal from parties so interested to an impartial and competent tribunal. After much consideration, and large consultation, the tribunal of appeal proposed by this section is deemed the best which can be devised in the circumstances, in the absence of Township Boards of Trustees, which would, of course, end all the disputes arising out of School sections.]

17. On the selection of land, as provided by law, for a school site, for the erection of a school-house and necessary buildings, or for enlarging school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the Trustees, the proprietor of such land and the Trustees shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them, shall appraise the damages to the owner of such land, and upon the tender of payment of the amount of such damages to the owner by the School Trustees, the land shall be taken and used for the purpose aforesaid.

[*Remarks on the seventeenth section.*—This section provides a remedy for difficulties which have been experienced in many School sections in obtaining a site for a school-house. This provision is a simplification of what is provided by law, in similar cases, in laying out public highways, and is adopted from a corresponding provision in the School Law of Massachusetts.]

[N.B.—The following sections, to the thirtieth inclusive, are designed to correct defects which have been experienced for many years, by Trustees and other local parties, in working out the school law, and do not require explanation. The correction of these defects will relieve from many embarrassments, and aid very much in the local administration of the School Law.]

18. On the formation or alteration of a union School section or division, under the authority of the fifth section of the School Law Amendment Act of eighteen hundred and sixty, it shall be the duty of the County Inspector concerned forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution; Provided also, that it shall be competent for any County Inspector to call a meeting of the parties authorized to form and alter union School sections, and it shall be lawful for the Trustees of any union School section to equalize the assessment on the basis adopted by the county council.

19. Should the clerk neglect or refuse to prepare and furnish the map of the School division of his municipality, as required by the forty-ninth section of the Consolidated School Act, he shall render himself liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the School purposes of his municipality, at the instance of any ratepayer thereof.

20. The Trustees of any School section or municipality shall have the same authority to provide a residence for a School teacher that they now have by law to provide School accommodations.

21. The report of the School Trustees required by law to be laid before the annual School meeting, shall include a summary of their proceedings and state of the School during the year, together with a detailed statement of receipts and expenditure, signed by either or both of the School auditors of the section, and in case of difference of opinion between the auditors on any matter in the accounts, it shall be referred to and decided by the County Inspector.

22. Should the secretary of a Trustee corporation neglect or refuse at any time to give notice of a School Trustee meeting, it shall be lawful for any Trustee to do so, by giving notice of such meeting to his colleagues.

23. All moneys collected in any School section by the Trustee corporation, shall be paid into the hands of the secretary-treasurer thereof; and should the Trustees refuse or neglect to take proper security from such secretary-treasurer, they shall be held to be personally responsible for such moneys, and the provisions of the one hundred and thirty-seventh section of the Consolidated School Act shall apply to them.

24. Any chairman of a School meeting, who may be elected School Trustee at such meeting, shall make the declaration of office now required of Trustees by law, in presence of the secretary of such meeting.

25. Should the majority of the School Trustees, or the majority of a public School meeting, neglect or refuse, in case of a difference in regard to a School site, to appoint an arbitrator, as provided in the thirtieth section of the Consolidated School Act, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter, and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree.

26. Should only a majority of the arbitrators appointed to decide any case under the authority of the School Laws of this Province, be present at any lawful meeting, in consequence of the neglect or refusal of their colleagues to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of such adjournment.

27. All matters of difference between Trustees and teachers, authorized and required by the eighty-fourth, eighty-fifth, eight-

ty-sixth and eighty-seventh sections of the Consolidated School Act, 22 Vic., Chap. 64; the ninth section of the School Laws Amendment Act, 23 Vic., Chap. 49; and the ninth section of the Grammar School Improvement Act of 1865, 29th Vic., Chap. 29; to be settled by arbitration, shall hereafter be brought and decided in the division court by the judge of the county court in each county, and the said clauses of the said Acts are hereby repealed; Provided always, that the decision of any county judge in all such cases may be appealed from, as provided in the one hundred and eighth and five following sections, or sub-sections of the said Consolidated Common School Act, and the twenty-eighth section of this Act.

28. Any division court judge receiving an intimation of appeal from his decision, under the authority of the one hundred and eighth and five following sections of the Consolidated School Act, shall thereupon certify, under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

29. The summer vacations of all the Public Schools shall be from the fifteenth day of July to the fifteenth day of August, inclusive.

30. Several sections and sub-sections of the Consolidated Common School Act for Upper Canada, 22 Victoria, Chapter 64, shall be amended as follows:

(1.) The twenty-third section, after the words "twenty dollars," shall read, "to be sued for and recovered before a justice of the peace, by the Trustees of the School section, or by any two ratepayers, for its use."

(2) In the second sub-section of the twenty-seventh section, the words, "and shall proceed in the same manner as ordinary collectors of county or township rates and assessments," shall be amended to read as follows: "and shall have the same powers and proceed in the same manner in his School section and township, as a township collector, in collecting rates in a township or county, as provided in the Municipal Corporations and Assessment Acts."

(3.) The eighth sub-section of the same (twenty-seventh) section shall be amended so as to read as follows: "To contract with and employ teachers for such School section, and determine the amount of their salaries; but no agreement between the Trustees and teacher of any School section shall be valid and binding on either party unless such agreement has been made and signed as agreed to, at a meeting, of which all Trustees have been duly notified."

(4.) The ninth sub-section of the same (twenty-seventh) section, after the words "school section," shall be amended, so as to read as follows: "but they [the Trustees] shall not give such order in behalf of any teacher, except for the actual time during which said teacher, while employed, held a legal certificate of qualification."

(5.) At the end of the twelfth sub-section of the same (twenty-

seventh) section, the following words shall be added : "and in case of any omission or mistake in such roll, the township council shall have authority to correct it."

(6.) In the first sub-section of the ninety-first section, the words, "he shall apportion no money," shall read, "he shall apportion, but shall not give an order to pay money."

31. Wherever reference is made in any School Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts or amendments to them which may be in force at the time of citing them, and performing any duty under their authority.

32. And whereas it is expedient that the whole system of Public Schools should be consolidated and united under one management, and that the Grammar Schools should be made effective in promoting the interests of a higher English, scientific and commercial, as well as classical education, it is hereby enacted, that from and after the sixth day of July next ensuing, the Boards of Grammar School Trustees in cities, towns and villages shall cease to exist, and the Grammar and Public Schools in the municipalities or School divisions shall be under the management of the Boards of Public School Trustees; and each of such Boards shall be a corporation, under the designation of Public School Board, and in addition to the legal powers now possessed by Grammar and Common School Trustees, shall succeed to all the property, rights, obligations and powers of such Boards of Grammar and Common School Trustees in such Municipalities or School divisions; Provided that the Grammar and Common School Boards shall continue in office until their successors are elected, as provided by the thirty-third section of this Act.

33. The members of the Boards of Public School Trustees shall be elected and classified in the manner provided by law for the election and classification of Common School Trustees in cities, towns, incorporated villages and other School divisions, as the case may be; which elections shall be held on the second Wednesday in July in each year, and the first election on the first Wednesday in July next after the passing of this Act, commencing at ten o'clock in the forenoon. Provided always, that it shall be lawful for the municipal council of any city, town, or incorporated village within which a High School may be situated, to appoint and determine the continuance and succession in office of a number not exceeding four duly qualified persons, as members of the Board of Public School Trustees, in addition to those authorized to be elected by the ratepayers.

34: The Grammar Schools shall be designated and known as High Schools, in which provision shall be made for teaching the higher branches of an English and commercial education, including the natural sciences, with special reference to agriculture, and, also, the Latin, Greek, French and German languages, to those pupils whose parents or guardians may desire it, according to a programme of studies and regulations, which shall be prescribed from time to time by the Council of Public Instruction, with the approval of the Lieutenant-Governor in Council.

35. All the provisions of the Grammar School Act shall, as far as is consistent with the provisions of this Act, apply to High Schools, their Trustees, head masters, and other officers, as fully as they apply to Grammar Schools and their officers and the Board of Public School Trustees shall have the same power to provide for the accommodation and support of High Schools as they have, or may have, by law to provide for the accommodation and support of the Common Schools under their management.

36. The Grammar School grant shall be exclusively applied in aid of High Schools, and shall be apportioned and paid upon the same conditions as the School Fund is apportioned and paid in aid of Common Schools.

37. No Public or High School shall be entitled to share in the Fund applicable to it unless it is conducted according to the regulations provided by law; nor unless it has an average attendance of twenty pupils; and each High School conducted according to law, shall be entitled to an apportionment of not less than three hundred, and not more than one thousand dollars per annum, according to the average attendance of pupils, their proficiency in the various branches of study, and the length of time each such High School is kept open as compared with other High Schools.

38. The County, City, or Town Inspector of Schools, the Chairman of the Board of Public School Trustees, and the head master of the High School shall constitute a Board of Examination for the admission of pupils to the High School, according to the regulations and programme of examination provided according to law; and it shall be the duty of the Inspector of High Schools to see that such regulations are duly observed in the admission of pupils to the High Schools; Provided, nevertheless, that the pupils already admitted as Grammar School pupils according to law, shall be held eligible without further examination for admission as pupils of the High Schools; and provided furthermore, that pupils from any part of the County in which a High School is or may be established shall be admitted to such school on the same terms as pupils within the town or village of such school, upon the condition always, that the Council of such county shall contribute *pro rata* towards raising the sum or sums required by law to be provided from local sources to entitle such High School to share in the Grammar School Fund.

39. The Inspector or Inspectors of Grammar Schools now authorized by law, shall be known as the Inspector or Inspectors of High Schools.

40. It may and shall be lawful for any County Council to form the whole or parts of one or more townships, towns and villages within its jurisdiction into a High School district, within the limits of which a Board of six Trustees shall be elected by the ratepayers in the same manner as are Boards of School Trustees in incorporated villages, in such place and at such time, for the first election, as may be appointed by the Warden of the county, and at such place subsequently as may be appointed by the said Board; and all the provisions of the School Acts relating to the election and succession of Trustees

in incorporated villages, shall apply to the election and succession of Trustees in said High School district, as far as is consistent with this section; and the Board of Trustees of such High School district shall possess all the powers within the said district for the support and management of their High School, and in respect to the County Council, as are possessed by the Boards of Public School Trustees in incorporated villages, in respect to the support and management of the schools under their care, and in respect to the Municipal Council of their Municipality, as provided by the School Acts of Upper Canada: Provided always, that it shall be lawful for such County Council to appoint and determine the continuance and succession in office of a number not exceeding four duly qualified persons as members of such Board of High School Trustees in addition to those authorized to be elected by the ratepayers.

41. And whereas it is desirable to encourage the establishment of superior classical Schools, it shall be lawful for the Lieutenant-Governor in Council to confer upon any High School, in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language shall not be less than sixty, the name Collegiate Institute; and toward the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor in Council to authorize the payment of an additional sum, at the rate of, and not exceeding seven hundred and fifty dollars per annum out of the Superior Education Fund, provided under the authority of the tenth section of the Consolidated Grammar School Act, twenty-second Victoria, chapter sixty-three; Provided, that if in any year the average of pupils above described shall fall below sixty, or the number of masters be less than four, the additional grant shall cease for that year. And if the said average shall continue to be less than sixty, or the number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor in Council, under the conditions provided by this section.

42. Be it furthermore enacted, that it may and shall be lawful for the Board of Public School Trustees of each city, town and village to establish one or more Industrial Schools for otherwise neglected children and to make all needful regulations and employ the means requisite to secure the attendance of such children, and for the support, management and discipline of such school or schools.

[Remarks on the thirty-second, and following sections of the Bill, to the forty-first section inclusive.—The Grammar Schools have never occupied the position which they ought to have done in the country. They were originally designed to be classical Schools; but they were made the Schools of certain classes, rather than classical Schools, wholly doing, or professing to do, common School work for certain classes—thus being made and viewed as a kind of aristocratic schools, poaching upon the ground of common School work, and being regarded as distinct from, and even antagonistic to, the common schools, rather than supplementary to them and identical with them in the public interests. It has, therefore, been found extremely difficult to get any considerable support for them from local sources. To get support enough to exist; more than two-thirds of the Grammar School Boards have had to seek amalgamation with the Common School Boards of their localities; but this amalgamation is attended with many inconveniences and does not by any means accomplish the objects proposed. The experience of the great cities in the neighboring States shows, that consolidating all the public Schools in cities and towns under one Board of Management, and that Board elected chiefly by the ratepayers, has

contributed even more to the efficient support and elevation of the classical school than to that of the common Schools. Such is the object of the sections of this Bill from the thirty-second to the forty first, inclusive. These provisions have, with some slight exceptions, been so very generally approved of that I need not remark upon their details. I have modified those clauses to which some exception had been taken by intelligent parties, so as to obviate every principal objection ; and I have no doubt that if the sections as thus modified should become law, it will inaugurate a new and auspicious era in the higher English and commercial, as well as elementary classical education of the country, in regard to both sexes of our youthful population.]

43. All the provisions of the Grammar and Common School Acts which are inconsistent with this Act are hereby repealed.

DRAFT OF BILL

To Improve the Common and Grammar
Schools of the Province of Ontario; with
Explanatory Notes and Preliminary Letter
to the Provincial Secretary, by the Chief
Superintendent of Education.

No. 3.]

BILL.

[1870-71.]

An Act to Consolidate and Amend the Law respecting Municipal Institutions in the Province of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

INTERPRETATION CLAUSE.

1. Unless otherwise declared or indicated by the context, Interpretation
5 whenever any of the following words occur in this Act, the of words.
meanings hereinafter expressed attach to the same, namely :
29 & 30 V., c. 51, s. 422.

(1) The word "Municipality" means any locality the in- "Municipal-
habitants of which are, or are continued or become incorpora- ity."
10 ted under this Act ; 29 & 30 V., c. 51, s. 422, sub-s. 1.

(2) The word "Council" means the Municipal Council or "Council."
Provisional Municipal Council, as the case may be ; 29 & 30
V., c. 51, s. 422, sub-s. 2.

(3) The word "County" means County, Union of Counties "County."
15 or United Counties, or Provisional County, as the case may be ;
29 & 30 V., c. 51, s. 422, sub-s. 3.

(4) The word "Township" means Township, Union of Town- "Township."
ships or United Townships, as the case may be ; 29 & 30 V.,
c. 51, s. 422, sub-s. 4.

20 (5) The words "Land," "Lands," "Real Estate," "Real Pro- "Land,"
perty," respectively, include lands, tenements and hereditaments, "Real estate."
and all rights thereto and interests therein ; 29 & 30 V., c. 51,
s. 422, sub-s. 5.

(6) The words "Highway," "Road" or "Bridge," mean re- "Highway,"
25 spectively a Public Highway, Road or Bridge ; 29 & 30 V., c. "Road,"
51, s. 422, sub-s. 6. "Bridge."

(7) The word "Electors" means the persons entitled for the "Electors."
time being to vote at Municipal Elections in the Municipality,
Ward, Electoral Division, or Police Village, as the case may
30 be ; 29 & 30 V., c. 51, s. 422, sub-s. 7.

(8) The word "Reeve" includes the Deputy Reeve or Deputy "Reeve."
Reeves when there is a Deputy Reeve for the Municipality,
except in so far as respects the office of a Justice of the Peace ;
29 & 30 V., c. 51, s. 422, sub-s. 8.

"Next day." (9.) The words "next day" are not to apply to or include Sunday or Statutory Holidays. 29 & 30 V., c. 51, s. 422, sub-s.9.

EXISTING INSTITUTIONS CONTINUED.

Municipal corporations continued. 2. The inhabitants of every county, and union of counties, incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every 5 such corporation then established. 29 & 30 V., c. 51, s. 1.

Head officers, by-laws, etc., continued. 3. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every such municipal corporation existing when this Act takes effect, shall be deemed the head and members of the council, and the 10 officers, by-laws, contracts, property, assets and liabilities of such corporation as continued under and subject to the provisions of this Act. 29 & 30 V., c. 51, s. 3.

NAMES AND GOVERNING BODY.

Names of municipal corporations. 4. The name of every County and Union of Counties continued, or erected under this Act, shall be *The corporation of 15 the county, or united counties*, (as the case may be) of (naming the same.) 29 & 30 V., c. 51, s. 4.

Names of provisional corporations. 5. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of *The Provisional Corpora- 20 tion of the County of* (naming it.) 29 & 30 V., c. 51, s. 5.

The councils to exercise corporate powers. 6. The powers of every County and Union of Counties shall be exercised by the council thereof. 29 & 30 V., c. 51, s. 6.

NEW AND SEPARATED MUNICIPALITIES.

Extension of corporate municipalities. 7. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union 25 of counties, and of every county separated from any incorporated union of counties, and of every county, or of the counties if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. 29 & 30 V., c. 51, s. 8. 30

NEW POLICE VILLAGES.

New police villages. 8. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or coun- 25 ties within which the village is situate, may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient, and shall in the by-law name the place in 35 the village for holding the first election of Police trustees, and the returning officer to hold the first election for such village. 29 & 30 V., c. 51, ss. 9. 86. 96.

NEW INCORPORATED VILLAGES.

When population over 750, county council may incorporate a new 9. When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction 40 of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the

- same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same: Provided always, that:—
- 29 & 30 V., c. 51, s. 10; s. 96.
- 15 (1.) No town or village incorporated after the passing of this Act, the population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land; 29 & 30 V., c. 51, s. 10, sub-s. 1. Area of town or village limited.
- 20 (2.) No town or village already or hereafter incorporated, and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand; 29 & 25 30 V., c. 51, s. 10, sub-s. 2. Enlargement of area limited.
- (3.) In the case of all towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and 30 two hundred acres for each subsequent additional thousand, then in all such cases the said towns or villages shall not be permitted to make any further addition to their limits, until their population shall have reached a proportion as aforesaid to their present area; 29 & 30 V., c. 51, s. 10, sub-s. 3. Existing towns or villages exceeding the area prescribed.
- 35 (4.) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any town or village may, for the purpose of such extension only, be held and reckoned as among the inhabitants of such town or village; 29 & 30 V., c. 51, s. 10, sub-s. 4. How population may be reckoned.
- 40 (5.) The council of any county or union of counties may, in their discretion, upon the application by petition of the corporation of any incorporated village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, by 45 by-law in that behalf, reduce the area of such village by excluding from it lands used wholly for farming purposes: Provided that such by-law shall define, by metes and bounds, the new limits intended for such incorporated village: And provided also, that no incorporated village shall by any such 50 change of boundaries be reduced in population below the number of seven hundred and fifty souls: And provided further, that the municipal privileges and rights of such village shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. 29 & 30 V., c. 51, s. 10, 55 sub-s. 5. Reducing the area of villages. Proviso. Proviso. Proviso.

When the village lies within two counties, how to be annexed to one of them by the councils or Lieutenant Governor.

10. When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant Governor in Council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant Governor shall, by proclamation, annex the village to one of such counties. 29 & 30 V., c. 51, s. 11. 10

When by the Lieutenant Governor.

11. In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant Governor as aforesaid, then one hundred of the freeholders and house-holders on the census list may petition the Lieutenant Governor to settle the matter, and thereupon the Lieutenant Governor shall, by proclamation, annex the incorporated village to one of the said counties. 29 & 30 V., c. 51, s. 12. 15

Additions to villages by Lieutenant Governor.

12. In case the council of an incorporated village petitions the Lieutenant Governor to add to the boundaries thereof, the Lieutenant Governor may, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto: Provided always, that nothing herein contained shall be construed as authorizing any departure from the provisions of the sub-sections one to five of section nine of this Act. 29 & 30 V., c. 51, s. 13. 20

ERECTION OF VILLAGES INTO TOWNS, AND TOWNS INTO CITIES

Town and cities how formed: census.

13. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof. 29 & 30 V., c. 51, s. 14. 30

Town containing over fifteen thousand inhabitants may be made a city; and village containing over three thousand, a town.

14. In case it appears by the census return taken under any such by-law, or under any Act of Parliament, that a town contains over fifteen thousand inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over three thousand inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions; 29 & 30 V., c. 51, s. 15. 35

1st—Notice be given.

Firstly—The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper be published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county in which the town or village is situate, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein; 29 & 30 V., c. 51, s. 15, sub-s. 1. 40

2nd—Proof of publication of notice and of census.

Secondly—The council of the town or village shall cause the census returns to be certified to the Lieutenant Governor in Council, under the signature of the head of the corporation, 50

and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant Governor in Council, then, in the case of a village, the Lieutenant Governor, may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation; 29 & 30 V., c. 51, s. 15, sub-s. 2. Proclamation; village made a town.

Thirdly—In case the application is for the erection of a town into a city,—the town shall moreover pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment, with interest from the time of the erection of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and the council shall prove to the Lieutenant Governor in Council the payment, agreement or arbitration; 29 & 30 V., c. 51, s. 15, sub-s. 3. 3rd—Existing debts to be adjusted, in case of a town to be made a city.

Then, the Lieutenant Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. 29 & 30 V., c. 51, s. 15, sub-s. 4. 4th—Governor may proclaim such city a town.

15. The Lieutenant Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant Governor in Council may consider it desirable to attach thereto. 29 & 30 V., c. 51, s. 16. Extension of limits of such town or city.

16. In case any tract of land so attached to the town or city belonged to another county, the same shall thenceforward for all purposes cease to belong to such other county, and shall belong to the same county as the rest of the town or city. 29 & 30 V., c. 51, s. 18. Lands detached from counties.

EXISTING BY-LAWS CONTINUED ON FORMATION OF A NEW VILLAGE, TOWN OR CITY.

17. In case any locality be erected into an incorporated village, or an incorporated village or town with or without additional area, be erected into a town or city, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. 29 & 30 V., c. 51, s. 21. By-laws to continue in cities, towns and villages, until, etc.
When not to be repealed.

BY-LAWS IN FORCE ON ADDITION TO MUNICIPALITY.

18. In case an addition be made to the limits of any municipality or municipal corporation, the by-laws of such municipality or corporation shall extend to the additional limits, and the by-laws of the municipality or municipal corporation from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality or corporation added to. 29 & 30 V., c. 51, s. 22. And when the limits of a municipality are extended.

LIABILITY TO DEBTS TO CONTINUE ON FORMATION OF NEW VILLAGE, TOWN OR CITY.

Liability to debts to continue.

19. In case of the formation of any locality into an incorporated village, or of the erection of an incorporated village into a town, or of a town into a city, the village, town or city shall remain liable to all the debts and liabilities to which the locality, village or town was previously liable, in like manner as if the same had been contracted or incurred by the new municipality. 29 & 30 V., c. 51, s. 23.

And in case of an extension of limits.

20. After an addition has been made to a village, town or city, the village, town or city shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. 29 & 30 V., c. 51, s. 24.

COUNCILS AND OFFICERS TO CONTINUE.

Former councils and officers to exercise jurisdiction over new municipalities, &c., until new councils are organized.

21. In case any locality be erected into an incorporated village, or an incorporated village into a town, or a town into a city, the council and the members thereof having authority in the locality or municipality immediately before such erection, shall, until the council for the newly erected corporation be organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 29 & 30 V., c. 51, s. 25.

WITHDRAWAL OF TOWNS FROM THE JURISDICTION OF THE COUNTY.

Town may be withdrawn from jurisdiction of county by by-law, on certain conditions.

22. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions: 29 & 30 V., c. 51, s. 26.

Amount to be paid by town towards expenses of administration of justice to be settled.

(1.) After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued; 31 V., c. 30, s. 2.

Matters to be considered in

(2.) In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously

paid by the town, or which the town may be then liable to pay, settling the same. for the construction of roads or bridges by the county, without the limits of the town; and also what the county may have paid, or be liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain and allow to the town the value of its interest in all county property, except roads and bridges within the town; 29 & 30 V., c. 51, s. 26, sub-s. 2.

(3.) When the agreement or award has been made, a copy of Copy of agreement to be sent to the Lieutenant-Governor. the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation withdrawing the town from the jurisdiction of the council of the county; 29 & 30 V., c. 51, s. 26, sub-sec. 3.

(4.) After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county or into the county treasury, any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid; 29 & 30 V., c. 51, s. 26, sub-s. 4.

(5.) After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands; 29 & 30 V., c. 51, s. 26, sub-s. 5; 31 V., c. 30, s. 3.

(6.) After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 29 & 30 V., c. 51, s. 26, sub-s. 6.

ERECTION OF NEW TOWNSHIPS.

23. In case a township be laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant Governor may by proclamation erect the township, or two or more of such townships lying adjacent to one another, into an incorporated township or union of townships, and annex the same to any adjacent incorporated county; and the proclamation shall appoint the returning officer who is to hold, and the place for holding, the first election in the township or union of townships. 29 & 30 V., c. 51, s. 27. See Con. Stat. U. C., c. 3, ss. 10, 11; Con. Stat. U. C., c. 128.

SEPARATION OF UNITED TOWNSHIPS.

24. When a junior township of an incorporated union of townships has one hundred resident freeholders and house- Junior township containing 100 free-

holders, &c., to become a separate municipality.

holders on the assessment roll as last finally revised and passed, such township shall, upon the first day of January then next thereafter, become separated from the union. 29 & 30 V., c. 51, s. 28.

In what a junior township containing less than 100, but exceeding 50, may be separated, and how.

25. In case a junior township has at least fifty but less than 5 one hundred resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township, petition the council of the county to separate the township from the union to which it belongs, and in case such council considers the township to 10 be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, such council may, by by-law, separate the same from the union, and the by-law shall name the returning officer who 15 is to hold, and the place for holding the first election under the same: or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining muni- 20 cipality, and in case said council consider the interests and convenience of the inhabitants of such township or townships would be promoted thereby, they may, by by-law, separate such township or townships from said union, and attach them to some other adjoining municipality. 29 & 30 V., c. 51, s. 29; 25 31 V., c. 30, s. 4.

ANNEXATION OF NEW TOWNSHIPS.

New townships, &c., within the limits of incorporated counties, to be united to adjacent townships, and how.

26. In case a township be laid out by the Crown in an incorporated county or union of counties; or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the 30 county or united counties shall, by by-law, unite such township for municipal purposes, to some adjacent incorporated township or union of townships in the same county, or union of counties. 29 & 30 V., c. 51, s. 31. See Con. Stat. U. C., c. 3, ss. 10, 11, 12. 35

Townships not incorporated or united may be formed into unions, and how.

27. In case of there being at any time in an incorporated county, or union of counties, two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than one hundred resident freeholders and householders 40 within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 29 & 30 V., c. 51, s. 32. See Con. Stat. U. C., c. 3, ss. 10, 11, 12.

Townships in different counties.

28. In case the united townships are in different counties, 45 the by-law shall cease to be in force whenever the union of the counties is dissolved. 29 & 30 V., c. 51, s. 33. See Con. Stat. U. C., c. 3, ss. 10, 11, 12.

ANNEXATION OF GORES.

The Governor may annex gores to adjacent townships.

29. The Lieutenant-Governor may, by proclamation, annex 50 to any township, or partly to each of more townships than one, any gore or small tract of land lying adjacent thereto and not

forming part of any township, and such gore or tract shall thenceforward for all purposes form part of the township to which it is annexed. 29 & 30 V., c. 51, s. 30. See Con. Stat. U. C., c. 3, ss. 10, 11, 12; 23 V., c. 2, s. 29.

SENIORITY OF TOWNSHIPS.

- 5 **30.** Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united, and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll. 29 & 30 V.,
10 c. 51, s. 34. Seniority of townships, how regulated.

NEW COUNTIES.

- 31.** The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships, or other adjacent
15 unorganized territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number
20 of such new counties lying adjacent to one another, and not belonging to an incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the
25 new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 29 & 30, V., c. 51, s. 35. See Con. Stat. U. C., caps. 3 & 128. New counties, how formed by proclamation, and annexed or united.

SENIORITY OF.

- 32.** In every union of counties, the county in which the
30 County Court House and Gaol are situate, shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. 29 & 30 V., c. 51, s. 36. Seniority of united counties, how regulated.

LAWS APPLICABLE TO.

- 33.** During the union of counties, all laws applicable to
35 counties (except as to representation in Parliament and Registration of Titles) shall apply to the union as if the same formed but one county. 29 & 30 V., c. 51, s. 37. Laws applicable to union of counties.

VENUE IN.

- 34.** In the case of united counties, the venue in any judicial
40 proceedings shall be laid in the proper county of the union (naming it), and describing it as one of the united counties of , and in such case, the jury for the trial of any issue, civil or criminal, or the assessment of any damages, shall be summoned from the body of the united counties. 29 & 30 V., c. 51, s. 38. Venue, how laid in unions of counties.

ERECTION OF PROVISIONAL CORPORATIONS AND SEPARATION OF JUNIOR COUNTIES.

PRESIDING MEMBER—FIRST MEETING—COUNTY TOWNS.

Provisional separation of united counties by proclamation appointing place of meeting and presiding officer.

35. When the census returns, taken under an Act of Parliament, or under the authority of a by-law of the council of any united counties, show that the junior county of the union contains seventeen thousand inhabitants or more, then if a majority of the reeves and deputy reeves of such county do, in the month 5 of February, pass a resolution affirming the expediency of the county being separated from the union; and if in the month of February in the following year, a majority of the reeves and deputy reeves transmit to the Lieutenant-Governor in Council a petition for the separation, and if the Lieutenant-Governor deems the 10 circumstances of the junior county such as to call for a separate establishment of courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy reeves for the county a provisional council, and in the proclamation appoint a time and place for the first meeting 15 of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. 29 & 30 V., c. 51, s. 39.

And county town.

Who to preside till provisional warden chosen.

36. The member so appointed shall preside in the council until a provisional warden has been elected by the council from 20 among the members thereof. 29 & 30 V., c. 51, s. 40.

PROVISIONAL OFFICERS.

Appointment of provisional warden, &c.

37. Every provisional council shall from time to time appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. 29 & 30 V., c. 51, s. 41. 25

His terms of office.

38. The provisional warden shall hold office for the municipal year for which he is elected. 29 & 30 V., c. 51, s. 42.

And of treasurer, &c.

39. The treasurer and other officers so appointed shall hold office until removed by the council. 29 & 30 V., c. 51, s. 43.

PURCHASE OF PROPERTY.

Provisional councils may acquire lands for gaols and court houses.

40. Every provisional council may acquire the necessary 30 property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such pur- 35 poses. 29 & 30 V., c. 51, s. 44.

POWERS OF THE UNION NOT TO BE INTERFERED WITH.

Powers of provisional council not to interfere with powers of the union.

41. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the 40 union. 29 & 30 V., c. 51, s. 45.

DEBTS AND ASSETS OF THE UNION.

- 42.** After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, the council may enter into an agreement with the senior or remaining county or counties for payment to such 5 county or counties of any part of the debts of the union as may be just, and for determining the amount to be so paid, and the times of payment. 29 & 30 V., c. 51, s. 46. Agreements as to debts upon dissolution.
- 43.** No member of the provisional council shall vote or take any part in the council of the union on any question affecting 10 such agreement, or the negotiation therefor. 29 & 30 V., c. 51, s. 47. When provisional councils shall not vote.
- 44.** In case the councils do not then agree as to the amount or periods of payment, the matter shall be settled between them by arbitration under this Act; and the junior county shall pay 15 to the senior or remaining county or counties of the union the amount so agreed upon or settled, and such amount shall bear interest from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the junior county after being separated: Provided always, that if no such 20 debts exist, and the councils do not agree as to the division of the property belonging to the united counties, then an arbitration shall take place within twelve months after the separation of such counties has taken place, and the arbitrators shall take into consideration, and allow to the junior county the 25 fair proportion of the value of any personal property of the united counties, which by the separation of the counties becomes the exclusive property of the senior county: Provided also, that nothing in this Act shall prevent any senior county from which the junior county may have been separated before 30 the passing of this Act from paying over to the junior county its proportion of the assets belonging to the united counties at the time of the separation. 29 & 30 V., c. 51, s. 48; 29 & 30 V., c. 52, s. 1.; 31 V., c. 30, s. 5. Arbitrament. Payment of debts upon dissolution. Debt to bear interest. Proviso: If there are no debts, as to division of property. Proviso.

LIEUTENANT GOVERNOR TO APPOINT JUDGES, &C.

- 45.** After the sum to be paid by the junior county to the senior or remaining county or counties has been paid or ascer- 35 tained by agreement or arbitration, the Lieutenant Governor in Council shall appoint for the junior county, a judge, a sheriff, one or more coroners, a clerk of the peace, a clerk of the county court, a registrar, and at least twelve justices of the peace, and 40 shall provide, in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. 29 & 30 V., c. 51, s. 49. Terms and time of separation.

- 46.** The office for the registry of deeds shall be kept in the county town in like manner as in other counties. 29 & 30 V., 45 c. 51, s. 50. Registrar.

JUNIOR COUNTY, WHEN AND HOW SEPARATED.

- 47.** After such appointments are made, the Lieutenant Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the first day of January next after 50 United counties, when and how to be separated by proclamation.

Property how
divided.

Proviso: as to
execution and
service of
writs.

the end of three months from the date of the proclamation; and on that day the courts and officers of the union shall cease to have any jurisdiction in the junior county; and the property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the assets and choses in action, belonging to the corporation of the union shall belong to and be the property of either the senior or junior county, or union of counties, as agreed upon at the separation; and, in the absence of any agreement, they shall belong to and be the property of the senior county, or union of counties; and, in the case of choses in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the senior county or union of counties: Provided always, that nothing herein contained shall prevent the sheriff of any such senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 32 V., c. 43, s. 18.

JUDICIAL PROCEEDINGS ON SEPARATION.

Place of trial
after dissolution
of unions
to be as ordered
by the
Court or a
Judge.

48. If upon the dissolution of a union of counties, there is pending an action, or other judicial civil proceeding in which the venue is laid in a county of the union, the court in which the action, or proceeding is pending, or any judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to the proper officers of such county; 29 & 30 V., c. 51, s. 52.

If no special
order is made.

49. In case no such change be directed, all such actions, and other judicial civil proceedings shall be carried on and tried in the senior county. 29 & 30 V., c. 51, s. 53.

Indictable offences how to
be disposed of.

(1.) Nothing herein contained shall be construed to affect so much of the provisions of sections fifty-two, fifty-three and fifty-five of the Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enact that if upon the dissolution of a union of counties there is pending an information, indictment or other judicial criminal proceeding in which the venue is laid in a county of the union, the court in which the information or indictment is pending, or any judge who has authority to make orders therein may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to the proper officers of such county, and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any judge of either of the Superior

Courts of Common Law may make the order; and in case no such change be directed, all such informations and indictments, and other judicial criminal proceedings shall be carried on and tried in the senior county; and any person charged with an indictable offence who, at the time of the disuniting of a junior from a senior county, is imprisoned on the charge in the gaol of the senior county, or is under bail or recognizance to appear for trial at any court in the senior county, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the senior county, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the junior county, in which event the prisoner or recognizance (as the case may be) shall be removed to the latter county, and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a county other than that in which such proceedings are had, the venue may be laid in the proper county, describing it as "formerly one of the united counties of," &c. 29 & 30 V., c. 51, ss. 52, 53 & 55.

COURTS IN.

50. All courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 29 & 30 V., c. 51, s. 54.

a Place for holding Courts after separation.

PERSONS ON BAIL.

51. Any person arrested or held to bail under civil process, before the separation of a junior from a senior county, and liable to be imprisoned, shall be so imprisoned in the gaol of the county in which he was arrested; and all proceedings in any suit or action in which any person was so arrested or held to bail, and all proceedings after judgment founded on the arrest or holding to bail, shall be carried on as if the arrest or holding to bail had taken place in such county as a separate county; and in case the proceedings are to be had in the junior county, all the records and papers relative to the case shall be transmitted to the proper officer of the junior county. 29 & 30 V., c. 51, s. 56.

Proceedings in civil cases under bailable process.

PERSONS ON GAOL LIMITS.

52. In case a debtor or other person be (in manner prescribed by law) admitted to the gaol limits of a union of counties, and the union be afterwards dissolved, or one or more counties be separated from the union, such person or debtor may notwithstanding travel and reside in any portion of the said counties as if no dissolution or separation had taken place, without committing a breach of any bond or the condition thereof, or a forfeiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the union be surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the sheriff of the county in which he was arrested, and be imprisoned in the gaol thereof. 29 & 30 V., c. 51, s. 57.

Privileges of persons admitted to gaol limits saved on dissolution.

WHEN PROVISIONAL COUNCILS, OFFICERS, &C., TO BECOME ABSOLUTE.

53. When a junior county is separated from a union of Officers and

property, &c., continued. counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. 5 29 & 30 V., c. 51, s. 58.

BY-LAWS, DEBTS, RATES, OFFICERS AND THEIR SURETIES OF
FORMER UNIONS OF COUNTIES AFTER BEING DISSOLVED.

By-laws to
continue in
counties.

54. When a junior county is separated from a senior county the by-laws of the union shall continue in force in the several counties which composed the union until altered or repealed by the council or councils of the same respectively. 29 & 30 V., c. 51, s. 59. 10

Liability of
unions for
debts at the
time of disso-
lution.

55. In case of the separation of a county from a union of counties, each county which formed the union shall remain subject to the debts and liabilities of the union as if the same had been contracted or incurred after the dissolution by the respective counties which constituted the union, and the effect of the 15 separation of such union on the officers thereof and their sureties shall be as follows: 29 & 30 V., c. 51, s. 61. See 26. V., c. 4; 32 V., c. 29.

How only offi-
cers shall be
affected.

(1.) The separation of a junior county from a union of counties shall not in any case or in any manner whatever 20 affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or remaining counties after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship 25 and liability to the senior county, or remaining counties; 29 & 30 V., c. 51, s. 61, sub-s. 1.

Further as to
officers and

(2.) All such public officers, shall, after such separation, be the officers of the senior county or remaining counties as if they had originally been respectively appointed public officers for 39 such senior county or for such remaining counties only; 29 & 30 V., c. 51, s. 61, sub-s. 2.

their sureties.

(3.) All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or of such remaining 35 counties, and all securities which have been given shall, after such separation, be read and construed as if they had been given only for such senior or remaining county or counties. 29 & 30 V., c. 51, s. 61, sub-s. 3.

Right to new
sureties not
affected.

(4.) Nothing herein contained shall affect the right of new 40 sureties being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. 29 & 30 V., c. 51, s. 61, sub-s. 4.

Debentures to
issue for debts,
and to bind
the old and
new municipa-
lities.

56. After the dissolution, the council of the senior or remain- 45 ing county shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been but had not been issued before the dissolution; and such debentures or obligations shall recite or state the liability of the junior county

therefor under this Act; and the junior county shall be liable therefor as if the same had been issued by the junior county. 29 & 30 V., c. 51, s. 62.

- 5 **57.** All assessments imposed by the council of the union for the year next before the year in which the dissolution takes effect, shall belong to the union, and shall be collected and paid over accordingly; and after the dissolution, all special rates for the payment of debts theretofore imposed by any by-law of the union, shall continue to be levied in the junior county and the treasurer of the junior county shall pay over the amount as received to the treasurer of the senior county and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior county. 29 & 30 V., c. 51, s. 63.
- 10 Assessments for years preceding dissolution, who to belong to.
Special rates for debts continued and to be paid over by treasurer of the junior county.

- 15 **58.** In case the amount so paid over to the senior county, or to any creditor of the senior county in respect of a liability of the union, exceeds the sum which by the agreement or award between the councils the junior county ought to pay, the excess may be recovered against the senior or remaining county as for money paid or as for money had and received, as the case may be; 29 & 30 V., c. 51, s. 64.
- 20 If the sum paid over exceeds the just amount the excess to be refunded.

COUNCILS, &C., OF WHOM COMPOSED.

THE HEADS.

- 59.** The head of every county and provisional county shall be designated the warden thereof; 29 & 30 V., c. 51, s. 65.
- Heads of Corporations, &c.

THE MEMBERS.

- 25 **60.** The council shall consist of the reeves and deputy reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council; and one of the reeves or deputy reeves shall be the warden; 29 & 30 V., c. 51, s. 66, sub-s. 1.
- Counties.

REEVES IN TOWNS.

- 30 **61.** The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward, and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a deputy reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve: 31 V., c. 30, s. 6; 33 V., c. 26, ss. 1, 2.
- 35 30

REEVES IN INCORPORATED VILLAGES.

- 62.** The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of five hundred freeholders and
- Incorporated Villages.

householders on the then last revised assessment roll, then of a reeve, deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29 & 30 V., c. 52, s. 66.

REEVES IN TOWNSHIPS.

Townships.

63. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, and if the Township had the names of five hundred freeholders and householders on the last revised assessment roll then the council shall consist of a reeve, deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29 & 30 V., c. 52, s. 66. 15

WHEN REEVE MAY TAKE SEAT IN COUNCIL.

County Councils.
Certificates to be filed by Reeves and Deputy Reeves.

64. No reeve or deputy reeve shall take his seat in the county council, until he has filed with the clerk of the county council a certificate under the hand and seal of the township, village or town clerk, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such reeve or deputy reeve; nor in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk, or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred freeholders and householders in the municipality for the first deputy reeve elected for such municipality, and that no alteration reducing the limits of the municipality, and the number of persons possessing the same property qualification as voters, within five hundred, for each additional deputy reeve, since the said rolls were last revised, has taken place. 29 & 30 V., c. 52, s. 67. 25 30

PROVISIONAL COUNCILS—WHO TO COMPOSE.

Who to compose provisional council.

65. The reeves and deputy reeves of the municipalities within a junior county for which a provisional council is established shall *ex-officio* be the members of the provisional council. 29 & 30 V., c. 51, s. 69. 35

QUALIFICATION OF REEVES, DEPUTY REEVES AND OTHERS.

Qualification of Councillors, &c.

66. The persons qualified to be elected reeves, and deputy reeves of any municipality are such persons as reside within such municipality or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or a freehold or leasehold partly legal and partly equitable rated in their own names on the last revised assessment roll of such municipality to at least the value following, over and above all charges liens or incumbrances affecting the same:— 40 45

In townships—Freehold to four hundred dollars, or leasehold to eight hundred dollars; In townships.

In incorporated villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars; In incorporated villages.

5 In towns—Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars; In towns.

And so in the same proportions in case the property is partly freehold and partly leasehold. As to property partly freehold.

The word "Leasehold" in this section shall not include a term less than a tenancy for a year, or from year to year. "Leasehold" defined.

29 & 30 V., c. 51, s. 70.

67. And the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or partly legal and partly equitable. Nature of estate.

15 51, s. 70.

68. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. In new township not having assessment roll.

29 & 39 V., c. 51, s. 71.

69. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. If only one person be qualified.

24 29 & 30 V., c. 51, s. 72.

70. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, chamberlain, or clerk of any municipal corporation, no bailiff of any division court, no county attorney, no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no inn-keeper or saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall hereafter be qualified to be a member of the council: Disqualification of councillors.

30 Provided always, that no person shall be held to be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the council or by having a lease of

35 twenty-one years or upwards, of any property from the corporation, of the municipality but any such leaseholders shall not vote in the council on any question affecting any lease from such corporation. 31 V., c. 30, s. 8.

40

EXEMPTIONS.

71. All persons over sixty years of age; all members and officers of the Legislative Assembly of Ontario, and of the Senate and House of Commons for Canada; all persons in the civil service of the Crown; all judges not disqualified by the last preceding section; all coroners; all persons in priests' orders; clergymen and ministers of the Gospel of every denom- Exemptions.

ination; all members of the Law Society of Upper Canada, whether barristers or students; all attorneys and solicitors in actual practice; all officers of courts of justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college or school in Ontario, and all officers and servants thereof; all millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed to any corporate office. 29 & 30 V., c. 51, s. 74.

ELECTORS.

Qualification
of electors.

72. The electors of every municipality for which there is an assessment roll, and the electors of every police village, shall be the freeholders thereof in their own right or right of their wives, whether resident or not, and such of the residents therein for one month next before the election as then are, or whose wives then are householders or tenants in the municipality; all which electors shall be natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and (if not voting in respect of a freehold), resident within the municipality for which the vote is being taken for one month next before the election; and all which electors shall have been severally rated on the last revised assessment roll for real property in the municipality or police village, held in their own right or that of their wives as proprietors, householders or tenants, and have received no reward, nor have any expectation of reward for voting, and are named or purported to be named in the list of electors; such rating shall be absolute and final, and shall not be questioned either by any returning officer, or on any application to set aside any election. The clerk shall furnish the returning officer with a list of electors verified as such under his hand. 29 & 30 V., c. 51, ss. 75 and 101, sub-s. 8; 31 V., c. 30, s. 9.

Clerk to furnish returning officer with list of electors.

In towns, townships and incorporated villages.

73. In towns, townships and incorporated villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value following:

In towns—Three hundred dollars.

35

In incorporated villages—Two hundred dollars.

In townships—One hundred dollars.

In police villages—One hundred dollars.

31 V., c. 30, s. 10.

In newly erected townships not having any assessment roll.

74. At the first election for a newly-created municipality, for which there is no separate assessment roll, the qualification of nomination on such list of electors and of rating on the roll is dispensed with, and every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has in his own right or that of his wife, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and name the property on which he votes at the time of tender of his vote; and he need not, though not a freeholder, have been resident for one month next before the election. 29 & 30 V., c. 51, s. 77; 31 V., c. 30, s. 9.

Householder defined.

75. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or

street by an outer door, shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166.

76. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed 5 rated within this Act. 29 & 30 V., c. 51, s. 79. When landlord and tenant both rated.

77. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none 10 of them shall be deemed so rated. 31 V., c. 30, s. 11. When joint owners rated together.

ELECTIONS.

FIRST ELECTIONS IN NEW AND EXTENDED MUNICIPALITIES.

78. In case of the incorporation of a new township or union of townships; and— First elections where corporations are newly erected or extended.

In case of the separation of a junior township from a union of townships; and—29 & 30 V., c. 51, s. 83, sub-s. 2.

15 **In case of the erection of a police into an incorporated village, or of the erection of a village into a town, or of a town into a city; and—29 & 30 V., c. 51, s. 88, sub-s. 3.**

In case of an additional tract of land being added to an incorporated village, town or city, or in case of a new division 20 into wards of a town or city; 29 & 30 V., c. 51, s. 83, sub-s. 4.

In each of the foregoing cases, the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from 25 the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29 & 30 V., c. 51, s. 83, sub-s. 5. Times of elections.

79. When a junior township of a union has one hundred resident freeholders and householders on the then last revised 30 assessment roll, the council of the county shall, by a by-law, to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of 35 the election according to law. 29 & 30 V., c. 51, s. 91. First election in junior township after separation.

80. Every election shall be held in the municipality or police village to which the same relates. 29 & 30 V., c. 51, s. 84. Places of elections.

ELECTION OF REEVES.

81. The election in townships and incorporated villages of reeves, deputy reeves and councillors, shall be by general vote, 40 and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 29 & 30 V., c. 51, s. 93. Certain elections to be by general vote.

82. Reeves and deputy reeves in towns, shall be chosen by Reeves, &c.

the electors of such towns at the annual election to be held on the first Monday in January, unless chosen by acclamation on the day of nomination; the qualification of a reeve and deputy reeves in towns, shall be the same as that of a councillor in towns. 29 & 30 V., c. 51, ss. 105 & 106. 5

Time and place for nominating.

83. A meeting of the electors shall take place for the nomination of candidates for reeve and deputy reeve in towns at the town hall, on the last Monday but one in the month of December before the annual election, at ten of the clock in the forenoon. 29 & 30 V., c. 51, s. 107. 10

WHO MAY ADMINISTER OATHS.

Returning officer may administer oaths.

84. The returning officer or chairman may administer all oaths or affirmations necessary at any election, or any vote in respect of a by-law. 29 & 30 V., c. 51, s. 101, sub-s. 7.

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

HOUSEHOLDERS AND TENANTS.

Oaths that may be put to voters not freeholders.

85. At any election, the only oaths or affirmations to be required of any person claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the township or ward (as the case may be) in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is resident within the municipality for which the election is held for one month next before the election; and that he is, or his wife is, a householder or tenant within such municipality, and (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; (or in case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the person offering to vote may be required to state in the oath the property, in respect of which he claims to vote, and that he is a resident of such municipality; and such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations; 29 & 30 V., c. 51, ss. 77, 101, sub-sec. 8; 31 V., c. 30, ss. 9, 10. 15 20 25 30 35

FREEHOLDERS.

Oaths that may be put to freeholders.

86. And the only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the township or ward (as the case may be) in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is a freeholder in his own right, (or right of his wife, as the case may require); 40 45

and in every case (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; and in case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of electors, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality. And such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 29 & 30 V., c. 51, ss. 77, 101, sub-sec. 8; 31 V., c. 30, ss. 9, 10.

ELECTION WHEN SEAT VACATED.

87. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or become insolvent, within the meaning of the Insolvent Act of 1869, or he apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or he absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. 31 V., c. 30, s. 22.

When seats in council become vacated.

CONTESTED ELECTIONS.

88. In case the right of any municipality to a reeve or deputy reeve or reeves, or in case the validity of the election or appointment of warden or reeve, or deputy reeve, is contested, the same may be tried in term or vacation by a judge of either of the superior courts of common law, or the clerk of the crown and pleas of the Court of Queen's Bench, sitting in chambers, under the authority of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered eleven, or of any general rule made or to be made under the said Act, or the senior or officiating judge of the county court of the county in which the election or appointment took place: and when the right of a municipality to a reeve or deputy reeve or reeves is the matter contested, any municipal elector in the county may be the relator; and when the contest is respecting the validity of any such election or appointment as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose. 29 & 30 V., c. 51, s. 130.

Trial of contested elections or right to elect.

PROCEEDINGS FOR THE TRIAL THEREOF.

89. The proceedings for the trial shall be as follows:—

(1.) If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, or such clerk of the crown and pleas, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before any such judge, or said clerk of the crown and pleas, or before a commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to

Time for limited, and security and proof required.

Writ of *quo warranto*.

be allowed as sufficient by the judge or clerk of the crown and pleas, upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge or clerk of the crown and pleas shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested; 29 & 30 V., c. 51, s. 131, sub-sec. 1.

When the relator claims to be elected.

(2.) In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of, and the alleged election of the relator or other person; 29 & 30 V., c. 51, s. 131, sub-sec. 2.

When several are complained of.

(3.) In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons; 29 & 30 V., c. 51, s. 131, sub-s. 3.

All to be tried by the same judge.

(4.) Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be returnable or heard before such judge or clerk whoever is to try the first, and such judge or clerk may give one judgment upon all or a separate judgment upon each one or more of them, as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 4.

Writ, who to issue, and return day thereof.

(5.) The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the Crown in the county in which the election took place, and shall be returnable before the judge in chambers of any of the Superior Courts of Common Law at Toronto, or before the judge of the county court at a place named in the writ, or the said clerk of the Crown and Pleas sitting in Chambers, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ; 29 & 30 V., c. 51, s. 131, sub-s. 5.

Returning officer may be made a party.

(6.) The judge or clerk of the Crown and Pleas before whom the writ is made returnable, or is returned, may if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto; 29 & 30 V., c. 51, s. 131, sub-s. 6.

Service to be personal, unless excused by judge.

(7.) Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge or said clerk of the Crown and Pleas upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 7.

The judge may allow persons, &c., to intervene.

(8.) The judge or clerk of the Crown and Pleas before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings; 29 & 30 V., c. 51, s. 131, sub-s. 8.

Judge shall try summarily.

(9.) The judge or clerk of the Crown and Pleas shall, in a summary manner, upon statement and answer, without formal

pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and
 5 may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any court named by him, or by one or more of these means, as he deems expedient; 29 & 30 V., c. 51, s. 131, sub-s. 9. Proof.

10 (10.) In case the election complained of be adjudged invalid, the judge or clerk of the Crown and Pleas shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge or clerk of the Crown and Pleas determines that any other person was duly elected, he
 15 shall forthwith order a writ to issue causing such other person to be admitted; and in case he determines that no other person was duly elected instead of the person removed, he shall by the writ cause a new election to be held; 29 & 30 V., c. 51, s. 131, sub-s. 10. And remove, admit or confirm.

20 (11.) In case the election of all the members of a council be adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff
 25 of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein; 29 & 30 V., c. 51, s. 131, sub-s. 11. If all the members ousted, &c., writ for new election to go to the sheriff.

(12.) Any person whose election is complained of, may, within
 30 one week after service on him of the writ, transmit post paid, through the post office, directed "To the Clerk of the Judges' Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court," of the County of *(as the case may be)*, or may cause to be delivered to such Clerk or
 35 Judge, a disclaimer signed by him, to the effect following: Defendant may disclaim.

"I, A. B., upon whom a writ of summons, in the nature of a
 " *Quo Warranto*, has been served for the purpose of contesting
 " my right to the office of Warden, *(or as the case may be,*
 " *for the County of*
 40 "*(or as the case may be)*, do hereby disclaim the said office, and all defence of any right I may have to the same." How to proceed.

Dated the day of 18 .

(Signed)

A. B.

29 & 30 V., c. 51, s. 131, sub-s. 12.

(13.) Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where
 45 mailed; 29 & 30 V., c. 51, s. 131, sub-s. 13. Posting and registry of disclaimer.

(14.) Every person so disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall
Duplicate disclaimer to be delivered to clerk.

forthwith communicate the same to the council; 29 & 30 V., c. 51, s. 131, sub-s. 14.

Costs provided for. (15.) No costs shall be awarded against any person disclaiming as aforesaid, unless the judge or said clerk of the Crown and Pleas is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which cases the costs shall be in the discretion of the judge or clerk; 29 & 30 V., c. 51, s. 131, sub-s. 15.

When discretionary. (16.) In all cases, not otherwise provided for, costs shall be in the discretion of the judge or clerk of the Crown and Pleas aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 16.

Person elected may disclaim at any time before his election is complained of. (17.) Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:— 15

"I, *A. B.*, do hereby disclaim all right to the office of Reeve "*(or as the case may be)*" for the township of "*(or as the case may be)*", and all defence of any right I have to the same."

Disclaimer to operate as resignation. Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having the next highest number of votes shall then become the reeve *(or as the case may be)*; 29 & 30 V., c. 51, s. 131, sub-s. 17. 20

Judge to return his judgment to the court in term; it shall be final. (18.) The decision of the judge or clerk aforesaid of the crown and pleas shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *Mandamus*, and by writs of execution for the costs awarded; 29 & 30 V., c. 51, s. 131, sub-sec. 18. 25 30

The judges to make rules, &c. (19.) The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, *mandamus* and execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the court or judge, or clerk of the crown and pleas aforesaid, and respecting the practice generally in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid; 29 & 30 V., c. 51, s. 131, sub-sec. 19. 35 40 45

Appointments equivalent to elections. 90. The appointment of members of councils of all municipal corporations when required to be made under this Act, shall be deemed elections within the preceding section, and in such cases the relator may be any member of such council, or any elector of the municipality or ward for which the appointment was made. 29 & 30 V., c. 51, s. 132. 50

MEETINGS OF COUNCIL, &c.

FIRST MEETING OF MEMBERS ELECT.

- 91.** The members of every county council shall hold their first meeting at noon, or some hour thereafter, on or after the fourth Tuesday of the month of January, in which they are elected, at the county hall, if there is one, or otherwise at the county court house. 29 & 30 V., c. 51, ss. 133, 134.

First meetings
of councils.

ELECTION OF HEADS OF COUNCILS.

- 92.** The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declaration of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden; and such person shall be the head of the council. 29 & 30 V., c. 51, s. 135.

Elections of
heads of
county coun-
cils.

- 93.** At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 29 & 30 V., c. 51, s. 136.

Who to pre-
side at.

- 94.** In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy reeve, of the municipality which has the largest number of names on its last revised assessment roll, as rate-payers, shall have a second and casting vote. 29 & 30 V., c. 51, s. 137.

Who to have
the casting
vote in the
event of equa-
lity of votes.

SUBSEQUENT MEETINGS.

- 95.** The subsequent meetings of the county council, shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints. 29 & 30 V., c. 51, s. 138.

Place of meet-
ing of county
councils.

- 96.** The council of the county in which any city lies, may hold its sittings, keep its public offices, and transact all the business of the council and with its officers and servants within such city, and may purchase and hold such real property therein as may be convenient for such purposes. 29 & 30 V., c. 51, s. 139.

Place of, may
be in cities.

- 97.** The council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. 29 & 30 V., c. 51, s. 140.

Meetings to
be open.

- 98.** In case there is no by-law of the council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held: and a special meeting may be open or closed as in the opinion of the council expressed by resolution in writing, the public interest requires. 29 & 30 V., c. 51, s. 141.

Special meet-
ing may be
closed; where
held.

- 99.** A majority of the whole number of members required by law to constitute the council shall form a quorum. 29 & 30 V., c. 51, s. 142.

Quorum.

In councils of five, three must concur. **100.** When the council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. 29 & 30 V., c. 51, s. 143.

Adjournments. **101.** The council may adjourn its meetings from time to time. 29 & 30 V., c. 51, s. 144. 5

WHO TO PRESIDE IN COUNCIL.

The heads to preside in council. **102.** The head of the council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the council. 29 & 30 V., c. 51, s. 145. 10

Absence of head provided for. **103.** In the absence of the head of the council, by leave of the council, or from illness, the council may, from among the members thereof eligible to be elected head, appoint a presiding officer, who during such absence, shall have all the powers of the head of the council. 29 & 30 V., c. 51, s. 147. 15

Casual absence provided for. **104.** If the person who ought to preside at any meeting does not attend within () minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29 & 30 V., c. 51, s. 148. 20

Head to vote, **105.** The head of the council, or the presiding officer or chairman of any meeting of the council, may vote with the other members on all questions; and any question on which there is an equality of votes shall be deemed to be negatived. 29 & 30 V., c. 51, s. 149. 25

Presumptur pro negante, in case of ties.

RESIGNATION OF WARDEN OR REEVE.

Resignation of heads provided for. **106.** The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk, if not in session, in which cases or in the case of a vacancy in any such office by death or otherwise, the clerk shall notify all the members of the council, and shall, if required, by a majority of the members of the council, call a special meeting to fill such vacancy: vacancies caused by the resignation of a reeve or a deputy reeve shall be filled by an ordinary election as hereinafter provided for () 35

29 & 30 V., c. 52, s. 150.

107. Any member of the council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death. 29 & 30 40

V., c. 51, s. 151.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

The clerk and his duties. **108.** The council shall appoint a clerk: and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required

by any member present, shall record the name and vote of every member voting on any matter submitted; and shall keep the books, records and accounts of the council: and shall preserve and file all accounts acted upon by the council, and also the 5 originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all which he shall so keep in his office, or in the place appointed by by-law of the council. 29 & 30 V., c. 51, s. 152.

109. Any person may inspect any of the particulars aforesaid 10 at all seasonable times; and the clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or 15 to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 29 & 30 V., c. 51, s. 153.

Minutes, &c.,
to be open to
inspection.

Copies to be
furnished and
charges there-
for, &c.

110. The clerk of every township, village and town shall, in 20 each year, within one week after the first day of January, make a return to the clerk of the county in which the municipality is situate, of the following particulars respecting his municipality for the year then last past, namely:

To make a
yearly return
to the county
clerk.

- | | | | |
|--|---|---|---|
| 25

30

35 | Heads of columns in Assessment Rolls
to be varied according to the form of the
Rolls required by by-laws. | { | (1.) Number of persons assessed.
(2.) Number of acres assessed.
(3.) Total actual value of real property.
(4.) Total of taxable incomes.
(5.) Total value of personal property.
(6.) Total amount of assessed value of real and personal property.
(7.) Total amount of taxes imposed by by-laws of the corporation.
(8.) Total amount of taxes imposed by by-laws of the county council.
(9.) Total amount of taxes imposed by by-laws of any provisional county council.

(10.) Total amount of Lunatic Asylum or other provincial tax.
(11.) Total amount of all taxes as aforesaid.
40 (12.) Total amount of income collected or to be collected from assessed taxes for the use of the corporation.
(13.) Total amount of income from licenses.
(14.) Total amount of income from public works.
45 (15.) Total amount of income from shares in incorporated companies.
(16.) Total amount of income from all other sources.
(17.) Total amount of income from all sources.
(18.) Total expenditure on account of roads and bridges.
(19.) Total expenditure on account of other public works and property.
50 (20.) Total expenditure on account of stock held in any incorporated company.
(21.) Total expenditure on account of schools and education, exclusive of school trustees' rates.
55 (22.) Total expenditure on account of the support of the poor or charitable purposes. |
|--|---|---|---|

What such
return shall
show.

- (23.) Total expenditure on account of debentures and interest thereon.
- (24.) Total gross expenditure on account of administration of justice in all its branches.
- (25.) Amount received from Government on account of administration of justice.
- (26.) Total net expenditure on account of administration of justice.
- (27.) Total expenditure on account of salaries, and the expenses of municipal government. 10
- (28.) Total expenditure on all other accounts.
- (29.) Total expenditure of all kinds.
- (30.) Total amount of liabilities secured by debentures.
- (31.) Total amount of liabilities unsecured.
- (32.) Total liabilities of all kinds. 15
- (33.) Total value of real property belonging to the corporation.
- (34.) Total number of sheep worried by dogs, and the amount paid therefor by the corporation.
- (35.) Total value of stock in incorporated companies owned by the corporation. 20
- (36.) Total amount of debts due to the corporation.
- (37.) Total amount of arrears of taxes.
- (38.) Balance in hands of treasurer.
- (39.) All other property owned by the corporation.
- (40.) Total assets. 29 & 30 V., c. 51, s. 156, & 31 V., c. 30, s. 23. 25

County clerk to make a return to the secretary and registrar of the province.

111. The clerk of every county shall, before the first day of February in each year, prepare and transmit to the Secretary and Registrar of the Province a statement of the aforesaid particulars respecting all the municipal corporations within his county, entering each corporation in a separate line, and the 30 particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole county, and shall also make at the same time a return of the same particulars respecting his county, as a separate municipality. 29 & 30 V., c. 51, s. 157. 35

Moneys to be retained if returns not made.

112. The treasurer of the county shall retain in his hands any moneys payable to any municipal corporation within the county if it is certified to him by the clerk of the county that the clerk of such corporation has not made the return hereinbefore required; and the treasurer of the Province shall retain in his 40 hands any moneys payable to any such corporation, if it is certified to him by the secretary and registrar of the Province, that the clerk of such corporation has not made the returns hereinbefore required; and any person so required to make any return by a particular day who fails so to do, shall be 45 liable to a penalty of twenty dollars, to be paid to the treasurer of the Province for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties under this Act. 29 & 30 V., c. 51, s. 159.

Returns before parliament.

113. The secretary and registrar of the Province shall, as 50 soon as may be after the commencement of every session, lay before the Legislative Assembly, a copy of all returns hereinbefore required to be made. 29 & 30 V., c. 51, s. 160.

TREASURER.

Chamberlain

114. Every county council shall appoint a treasurer; and

the treasurer, before entering upon the duties of his office, or treasurer to shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; Provided that it shall be the duty of the council in each and every year to enquire into the validity of the security given by such treasurer and report thereon. 29 & 30 V., c. 51, s. 161.

To give security.
Proviso.

115. The treasurer shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the council direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and such treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the council. 29 & 30 V., c. 51, s. 162.

To receive and take care of and disburse moneys, &c.

His liability limited.

116. The treasurer of every municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such municipality, transmit to the Board of Audit, on or before the fifteenth day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls, a true account of all the debts and liabilities of the municipality for every purpose, for the then last year and such further information and particulars with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, and in any Court or in any way in which debts due to the Crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove by any one witness or other evidence that such account, return, information or particulars ought to have been transmitted by the defendant, as alleged on the part of the Crown, and the onus of proving that the same was so transmitted shall rest on the defendant; and it shall also be the duty of such treasurer to prepare and submit to the municipal council half-yearly, a correct statement of the moneys at the credit of the municipality; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such treasurer to draw any moneys belonging to such municipality; 29 & 30 V., c. 51, s. 163.

To make a return yearly to the provincial board of audit.

How attested and what it must show.

Penalty for default.

Half-yearly statement for the council.

Proviso.

ASSESSORS AND COLLECTORS.

117. The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same

Assessors and collectors, appointments and qualification of.

property qualification as that required for a councillor or alderman of the municipality; the same person may, in a city, town or township, be appointed assessor or collector for more than one ward or electoral division; 29 & 30 V., c. 51, s. 164.

Assessors to designate freeholders and householders in their assessment rolls.

118. The assessors shall state in their assessment rolls whether the persons named therein are freeholders, householders, or tenants, and shall, in separate columns for this purpose, use the initial letters "F" "H" or "T" to signify the same respectively; 31 V., c. 30, s. 24.

Householder defined.

119. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street, by an outer door, shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166.

Collector of Provisional County.

120. The collectors of the several townships in a junior county of a union of counties shall *ex officio* be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. 29 & 30 V., c. 51, s. 167.

Moneys how to be disposed of.

121. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. 29 & 30 V., c. 51, s. 168.

AUDITORS.

Auditors.

122. Every council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year is or was a member, or is or was clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. 29 & 30 V., c. 51, s. 169.

Disqualification for office of.

Duties of.

123. The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. 29 & 30 V., c. 51, s. 170.

To prepare abstract and detailed statement of receipts and expenditures, &c.

124. The auditors shall prepare an abstract of the receipts, expenditures and liabilities of the corporation, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the clerk of the council within one month after their appointment; and thereafter any inhabitant or ratepayer of the municipality may inspect one of such duplicate reports, at all seasonable hours, and may by himself or his agent, at his own

expense, take a copy thereof or extracts therefrom. 29 & 30 V., c. 51, s. 171.

125. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. 29 & 30 V., c. 51, s. 172.

The Council to audit finally, &c.

126. The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs. 29 & 30 V., c. 51, s. 173.

Clerk to publish abstracts and statements.

127. Every county council shall have the regulation and auditing of all moneys to be paid out of funds in the hands of the county treasurer. 29 & 30 V., c. 51, s. 174.

Audit of moneys paid by Treasurer.

128. The council of every county may appoint two or more valutors within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the county council, but such valutors shall not exceed the powers possessed by assessors under this Act, and the valuation so made, may be made the basis of equalization by the county council for a period not exceeding five years. 29 & 30 V., c. 51, s. 175.

County Council may appoint Valutors, their duties, &c.

SALARIES AND CONTINUANCE IN OFFICE.

129. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, or by the council, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council. 29 & 30 V., c. 51, s. 176.

Salaries of officers.

130. The treasurer may be paid a salary or percentage; and all officers appointed by the council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council having jurisdiction over such officers. 29 & 30 V., c. 51, s. 177.

Of Treasurer.

OFFICIAL DECLARATIONS.

131. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Declaration Qualification.

"I, A. B., do solemnly declare that I am a natural born (or Form of. 40 "naturalized) subject of Her Majesty; and have and had to my own use and benefit in my own right (or have and had in right "of my wife as the case may be,) as proprietor (or tenant as the "case may be) at the time of my election to the office of "hereinafter referred to (or appointment as the case may 45 "require) such an estate as does qualify me to act in the office "of (naming the office) for (naming the place for which such "person has been elected or appointed) and that such estate is "(the nature of the estate to be specified as an equitable estate

"of leasehold or otherwise as the case may require, and if land
 "the same to be designated by its local description rents or
 "otherwise), and that such estate at the time of my election,
 "(or appointment, as the case may require) was of the value of
 "at least (*specifying the value*) over and above all charges, liens 5
 "and incumbrances affecting the same." 29 & 30 V., c. 51, s. 178.

Declaration
 of office.

132. Every returning officer and returning officer's clerk, and every clerk, constable and other officer appointed by the council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:—

Form of De-
 claration of
 office.

"I, A. B., do solemnly promise and declare that I will truly
 "faithfully and impartially, to the best of my knowledge and
 "ability, execute the office of (*inserting the name of the office*)
 "to which I have been elected (*or appointed*) in this county 15
 "and that I have not received and will not receive any pay-
 "ment or reward, or promise of such, for the exercise of
 "any partiality or malversation or other undue execution of
 "the said office, and that I have not by myself or partner,
 "either directly or indirectly, any interest in any contract 20
 "with or on behalf of the said corporation." 29 & 30 V.,
 c. 51, s. 179.

Auditor's de-
 claration.

133. The solemn declaration to be made by every Auditor shall be as follows:

Form of.

"I, A. B., having been appointed to the office of Auditor for 25
 "the corporation of _____, do hereby promise
 "and declare that I will faithfully perform the duties of such
 "office according to the best of my judgment and ability; and
 "I do solemnly declare, that I had not directly or indirectly
 "any share or interest whatever in any contract or employ- 30
 "ment (*except that of Auditor, if re-appointed*) with, by or on be-
 "half of such municipal corporation, during the year preceding
 "my appointment, and that I have not any contract or em-
 "ployment (*except that of Auditor, if re-appointed*) for the
 "present year." 29 & 30 V., c. 51, s. 181. 35

Heads and
 other mem-
 bers of the
 Council be-
 fore whom to
 declare.

134. The head and other members of the council, and the subordinate officers of the municipality, shall make the declaration of office and qualification before some court, judge, police magistrate or other justice of the peace having jurisdiction in the municipality, or before the clerk of the municipality. 40
 29 & 30 V., c. 51, s. 182.

Certificate of
 declaration.

135. The court, judge or other person before whom such declarations are made, shall give the necessary certificate of the same having been duly made. 29 & 30 V., c. 51, s. 183.

Who may ad-
 minister oaths,
 &c.

136. The head of any council, any reeve or deputy 45
 reeve, any justice of the peace, and the clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to take 50
 the oath or affirmation, or make the declaration. 29 & 30 V.,
 c. 51, s. 184.

137. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 29 & 30 V., c. 51, s. 185.

Oath or declaration to be subscribed and kept.

138. Every qualified person duly elected or appointed to be a reeve or deputy reeve, assessor or collector, of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more justices of the peace under and subject to the Consolidated Statute of Canada, respecting the duties of justices of the peace out of sessions, in relation to summary convictions and orders, forfeit not more than eighty dollars, nor less than eight dollars at the discretion of such justices, to the use of the municipality, together with the cost of prosecution. 20 29 & 30 V., c. 51, s. 186.

Penalty for refusing to accept office or take the oaths, &c.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

139. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the corporation; and no such person or officer shall refuse or fail to deliver up or pay over the same respectively to the corporation, or to any person authorized by the council to demand them, but nothing herein shall affect any remedy of the corporation or of any other person against the offender or his sureties, or any other party. 29 & 30 V., c. 51, s. 187.

Embezzlement by Municipal Officers.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

140. No person shall unlawfully or maliciously, either by violence or stealth, take from any deputy returning officer or poll clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroy, injure or obliterate, or cause to be wilfully or maliciously destroyed, injured or obliterated, or make or cause to be made any erasure, addition of names or interlineation of names, into or upon, or aid, counsel or assist in so taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon, any writ of election or any return to a writ of election, or any indenture, poll book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections. 29 & 30 V., c. 51, s. 188.

Destroying, &c., certain documents, relating to municipal elections to be felony.

JURISDICTION OF THE COUNCIL.

141. The jurisdiction of the council shall be confined to Local Jurisdiction.

diction of
councils.

the municipality the council represents, except where authority beyond the same is expressly given: and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for. 29 & 30 V., c. 51, s. 190.

General power
to make
local regula-
tions—
To regulate
meetings and
proceedings;
To repeal or
alter by-laws.

142. The council may make regulations not specifically 5 provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, and the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter 10 and amend its by-laws, save as by this Act restricted. 29 & 30 V., c. 51, s. 191.

BY-LAWS OF THE COUNCIL.

HOW AUTHENTICATED.

How by-laws
to be authen-
ticated.

143. Every by-law of the Council shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the 15 by-law has been passed, and by the clerk of the corporation. 29 & 30 V., c. 51, s. 192.

Certified
copies to be
evidence.

144. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any mem- 20 ber of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged. 29 & 30 V., c. 51, s. 193.

25

OPPOSITION TO BY RATE-PAYERS.

Opposition to
by-laws ap-
plied for by
rate-payers.

145. In case any person rated on the assessment roll of the municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the 30 council, be at liberty to attend in person, or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the 35 by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor 40 represent the amount of property necessary to the passing of the by-law. 29 & 30 V., c. 51, s. 194.

When by-laws
shall not pass.

146. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained 45 without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 29 & 30 V., c. 51, s. 195.

50

PROCEEDINGS WHEN THE ASSENT OF ELECTORS IS REQUIRED.

147. In case a by-law requires the assent of the electors of the municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for: 29 & 30 V., c. 51, s. 196.

5 (1.) The council shall by the by-law fix the day, hour and place, for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and
 10 such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for; 29 & 30 V., c. 51, s. 196, sub-s. 1.

(2.) The council shall, for at least one month before the final passing of the proposed by-law, publish a copy thereof in some
 15 newspaper published weekly or oftener in the municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the by-law at four or more of the most public places in the municipality; 29 & 30 V., c. 51, s. 196, sub-s. 2.

20 (3.) Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publi-
 25 cation, and naming the hour, day and place or places fixed for taking the votes of the electors; 29 & 30 V., c. 51, s. 196, sub-s. 3.

(4.) At such day and hour a poll shall be taken, and all pro-
 ceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a municipal
 30 election; 29 & 30 V., c. 51, s. 196, sub-s. 4.

(5.) Every Returning Officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration in writing, under his hand, thereto annexed, to the clerk of the local municipality in which the poll was taken, and the clerk
 35 of the local municipality shall forthwith return to the clerk of the county council every poll-book so delivered to him; 29 & 30 V., c. 51, s. 196, sub-s. 5.

(6.) The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall
 40 certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll-book among the records of his office; 29 & 30 V., c. 51, s. 196, sub-s. 6.

WHAT FREEHOLDER MAY VOTE ON A BY-LAW.

148. Any person shall be entitled to vote on any by-law requir-
 45 ing the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote which

Proviso.

he tenders; and is at the time of tender of the vote a freeholder, either at law or in equity, in his own right, or in right of his wife, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named, or purported to be named, 5 in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of nomination on such list and of rating on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing 10 the other qualifications above mentioned, and unless he be also a resident of the municipality at the time of tender of his vote, and has at such time sufficient property to have entitled him to vote if he had been rated for such property, and at such time name such property to the returning officer: the return- 15 ing officer shall note such property in his poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. 29 & 30 V., c. 51, s. 196, sub-s. 7.

WHAT LEASEHOLDER MAY VOTE ON A BY-LAW.

**Leaseholders
who may vote
on by-laws.**

Proviso.

149. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at 20 the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which 25 the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder within such municipality, which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to 30 pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of nomination on such list and of rating on the 35 roll, and of residence for one month, shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he be at the time of tender of his vote a resident of the municipality, and then has sufficient property 40 to have entitled him to vote if he had been rated for such property, and at such time name such property to the returning officer; the returning officer shall note such property in his poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. 29 & 30 V., c. 51, s. 196, 45 sub-s. 8, and ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10, 46, 47.

OATH BY FREEHOLDER ON A BY-LAW.

**Oath of free-
holder voting
on by-laws.**

150. Any ratepayer offering a vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the 50 effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own right, (or in right of his wife, as the case may require), within

the municipality for which the vote is taken; that he has not voted before on the by-law in the township or ward (as the case may be) in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors, (or in case of a new municipality in which there has not been any assessment roll, then instead of referring to being named in the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality;) and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, ss. 77, 196, 101, sub-s. 8: 31 V., c. 30, s. 47. See also 31 V., c. 30, ss. 9, 46, and section of this Act.

OATH BY A LEASEHOLDER ON A BY-LAW.

151. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next before the vote; that he (or his wife, as the case may require), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes; that he has not before voted on the by-law in the township or ward (as the case may be) in which he is voting; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, in the list of electors, (or in case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named on the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality;) and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8. See also 31 V., c. 30, ss. 9, 10, 46, 47, and section of this Act.

Oath of leaseholders on by-laws.

WHEN REQUIRING THE ASSENT OF THE LIEUTENANT-GOVERNOR IN COUNCIL.

152. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the treasurer and clerk thereof, and by such other persons and

When the assent of the Governor is required to By-laws.

on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Lieutenant-Governor in Council will accept. 29 & 30 V., c. 51, s. 5 197.

WHEN AND HOW QUASHED.

By-laws, how to proceed in order to quash.

153. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality, and according to the result of the application, award costs for or against the corporation; Provided always, that no application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within one year from the passing of such by-law, except in the case of a by-law requiring the assent of electors or rate-payers, when such by-law has not been submitted to, or has not received the assent of such electors or rate payers, and in such case an application to quash such by-law may be made at any time. 29 & 30 V., c. 51, s. 198.

Proviso : Time within which application must be made.

WHEN CONFIRMED BY PROMULGATION.

Time after which By-law cannot be quashed, if properly promulgated.

154. In case a by-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the by-law shall be entertained after six months have elapsed since the promulgation. 29 & 30 V., c. 51, s. 199.

What shall be such promulgation.

155. Every special promulgation of a by-law within the meaning of this Act shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof. 29 & 30 V., c. 51, s. 200.

And if the By-laws impose any rate.

156. In the case of a by-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of the by-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate, and giving the substance only of the other parts of the by-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the municipality; or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest the municipality; and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper. 29 & 30 V., c. 51, s. 201.

157. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following : Notice to be given.

"NOTICE.—The above is a true copy of a by-law passed by the municipal council of the county of B, or united counties of B, C and D (as the case may be) on the day of 18 , and (where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law) approved by the Lieutenant-Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

"G. H.,
"County Clerk."

29 & 30 V., c. 51, s. 202.

158. The notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law, for the purpose aforesaid, shall be to the effect following : Notice setting forth the rate and substance of By-law.

25 County of or United Counties of in On-
tario, to wit Form of such notice, with copy of By-law.

Notice is hereby given, that a by-law, intituled (*insert the title*) and numbered (*give the number by which the by-law is designated*), was on the day of , 18 , passed by the municipal council of the said county or united counties in Ontario, for the purpose of (*here insert in substance the object of the by-law*) as "for the purpose of raising and contracting for a loan of dollars for making and macadamizing a road from to ;" (*or otherwise, as the case may be*) and (*where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law*), approved by the Lieutenant-Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

"G. H.,
"County Clerk."

50 29 & 30 V., c. 51, s. 203.

159. In case no application to quash any by-law be made within the time limited for that purpose, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of If not moved against, within the time limited, to be valid.

the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 29 & 30 V., c. 51, s. 204.

IF QUASHED, THE CORPORATION ONLY BE LIABLE.

Liability of Municipality for acts done under a By-law afterwards quashed.

160. In case a by-law, order or resolution be illegal in 5 whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the in- 10 tention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 29 & 30 V., c. 51, s. 205.

TENDER OF AMENDS BY.

Tender of amends.

161. In case the corporation tenders amends to the plaintiff 15 or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29 & 20 30 V., c. 51, s. 206.

OFFENCES AGAINST BY-LAWS.

Certain offences respecting by-laws, to be misdemeanor.

162. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt, under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be 25 levied under it. 29 & 30 V., c. 51, s. 207.

Jurisdiction to try offences against.

163. In case an offence is committed against a by-law of the council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was 30 committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence. 29 & 30 V., c. 51, s. 208.

Summary proceedings.

Evidence.

164. The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may 35 convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or 40 more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 29 & 30 V., c. 51, s. 209.

Penalty and costs; how levied.

Commitment in default of distress.

165. In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up- 45

house, for the term, or some part thereof, specified in the by-law.
29 & 30 V., c. 51, s. 210.

166. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the corporation, unless the prosecution is brought in the name of the corporation, and in that case the whole of the pecuniary penalty shall be paid to the corporation. 29 & 30 V., c. 51, s. 211.

Fines, how applied.

DEBENTURES, &c.,

HOW TO BE MADE.

167. All debentures and other specialties duly authorized to be executed on behalf of the corporation of the municipality shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures. 29 & 30 V., c. 51, s. 213.

Debentures, bonds, &c., how to be executed.

TRANSFERABLE BY DELIVERY, &c.

168. Any debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any Municipal or Provisional Municipal corporation, payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 214, & Con. St. C. c. 84, s. 13.

Debentures transferable by delivery if payable to bearer.

169. Any debenture issued as aforesaid, and made payable to any person or order, shall (after the endorsation thereof in blank by such person) be transferable by delivery from the time of the endorsation, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 215, and Con. St. C. c. 84, s. 14.

Or, if endorsed in blank, when payable to order.

170. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the debenture, or to set forth, or to prove the notices, by-laws or other proceedings under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debenture (alleging the endorsation in blank, if any), and shortly to state its legal effect and purport, and to make proof accordingly. 29 & 30 V., c. 51, s. 216, & Con. St. C., c. 84, s. 15.

In pleading sufficient to describe plaintiff as the holder.

171. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although

Full amount recoverable though negotiated at interest exceed.

ing 6 per cent
or below par.

a rate of interest greater than six per centum per annum is reserved thereby, or made payable thereon. 20 & 30 V., c. 51, s. 217, & Con. St. C., c. 84, s. 15.

RESTRICTIONS UPON COUNCILS.

Restrictions
upon councils
as to banking,
issuing bills,
bonds, &c.

Proviso.

To issue bank
notes, &c.,
contrary to
this act, de-
clared a mis-
demeanor.

Granting mo-
nopolies pro-
hibited.

Except as to
any ferry.

Contracts by
Members with
the Corpora-
tion void in
law if void in
Equity.

172. No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void; Provided always that nothing herein contained, shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enacts that "No Council shall act as bankers or issue any bond, bill, note, debenture or other undertaking of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie or to pass as money; and any bond, bill, note, debenture or other undertaking issued in contravention of the said section two hundred and eighteen shall be void; and that in case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange, any bond, bill, note, debenture or undertaking of any kind, or in any form in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor; and that no council shall have power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling;" 29 & 30 V., c. 51, ss. 218, 219 and 220.

173. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the said Dominion; 29 & 30 V., c. 51, s. 221; see the B. N. A. Act, 1867, s. 91, sub-s. 13.

174. In case a member of the council of the municipality, either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void in equity, the same contract, purchase or sale, shall also be held void in any action at law thereon against the corporation; 29 & 30 V., c. 51, s. 222.

COSTS OF MANDAMUS.

Costs of Man-
damus.

175. Upon any application for a writ of mandamus for or

against the corporation of the municipality, the courts may, in their discretion, grant or refuse costs; 29 & 30 V., c. 51, s. 223.

EXECUTIONS AGAINST THE CORPORATION.

176. Any writ of execution against the corporation of the municipality may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following: 29 & 30 V., c. 51, s. 224:

Proceedings on writs of execution against Municipalities.

(1.) The sheriff shall deliver a copy of the writ and endorsement to the treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service; 29 & 30 V., c. 51, s. 224, sub-s. 1.

Sheriff to deliver statement to Treasurer.

(2.) In case the amount, with interest thereon from the day mentioned in the statement, be not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage, up to the time when such rate will probably be available; 29 & 30 V., c. 51, s. 224, sub-s. 2;

If not paid, a rate to be struck.

(3.) The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates; 29 & 30 V., c. 51, s. 224, sub-sec. 3.

Sheriff's precept to levy.

(4.) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A. B., *vs. The County of* (adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage; 29 & 30 V., c. 51, s. 224, sub-sec. 4.

Who to collect the rate.

(5.) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation; 29 & 30 V., c. 51, s. 224, sub-sec. 5.

Surplus.

(6.) The clerk, assessors and collectors of the corporation

Clerk, Asses.

ors and Col-
lectors to be
Officers of the
Court from
which Writ
issues.

shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded 5 against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them. 29 & 30 V., c. 51, s. 224, sub-sec. 6.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Yearly rates
to be levied,
sufficient to
pay all debts
payable with-
in the year.

Proviso.

Aggregate
rate limited.

If such aggre-
gate be not
sufficient to
pay debts
payable with-
in the year.

177. The council of every county and also the council of every provisional county corporation shall assess and levy on 10 the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no such council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the 15 actual value, exclusive of school rates; unless and except only in those cases, and as heretofore specially authorized in that behalf: Provided always that nothing herein contained shall be construed to affect so much of the provisions of section two hundred and twenty-five of the Act of the Parliament of the 20 Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty and chaptered fifty-one, which enacts that if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, 25 and the interest and principal of the debts contracted by such municipality at the time of the passing of the said Act should exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality should levy such further rates as may be necessary to 30 discharge obligations then already incurred, but should contract no further debts until the annual rates required to be levied within such municipality were reduced within the aggregate rate aforesaid. 29 & 30 V., c. 51, s. 225.

BY-LAWS TO CREATE DEBTS, &c.

By-laws for
creating debts.

178. Every such council may, under the formalities required 35 by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law, except as in the next following section named, shall be valid 40 which is not in accordance with the following restrictions and provisions: 29 & 30 V., c. 51, s. 226.

Terms of.
When to take
effect.

(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the by-law shall take effect, 29 & 30 45 V., c. 51, s. 226, sub-sec. 1.

When debt to
be redeemed.

(2.) If not contracted for gas or water-works, or for the purchase of public works, according to this Act or other Acts relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at 50

furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect: 29 & 30 V., c. 51, s. 226, sub-sec. 2.

If for gas works, &c.

(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest; 29 & 30 V., c. 51, s. 226, sub-sec. 3.

To provide a yearly rate.

(4.) Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable; 29 & 30 V., c. 51, s. 226, sub-sec. 4.

To be sufficient in amount.

(5.) The amount of ratable property shall be ascertained irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof; 29 & 30 V., c. 51, s. 226, sub-sec. 5.

Irrespective of future increase of ratable property.

(6.) The by-law shall recite: (1.) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (3.) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment rolls; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately, and how much (if any) interest is in arrears; and (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act; 29 & 30 V., c. 51, s. 226, sub-sec. 6.

Recitals in:— amount and object of debt;

The yearly rate for the debt.

The value of the ratable property.

The yearly rate for Sinking fund and interest.

179. It shall not be necessary for any county when passing a by-law authorizing the issue of debentures of the said county for the sole purpose, and no other, of exchanging or redeeming the debentures of said county, outstanding on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, to comply with the formalities of the foregoing section of this Act; 33 V., c. 26, s. 17.

Municipal debentures in exchange for others, how issued.

180. Every by-law (except as in the last section named, or for drainage as provided for under the section of this Act) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the one hundred and forty-seventh section of this Act; except that in counties (other than cities) the council of such county or counties may raise by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums, over and above the sums required for its ordinary

To be assented to by the rate-payers: Exception for drainage.

Exception as to counties other than cities.

expenditure not exceeding in any one year twenty thousand dollars; 29 & 30 V., c. 51, s. 227.

Course of proceeding by county councils.

181. Provided that no such by-law of a county council for contracting any such debt or loan for an amount, over and above the sums required for its ordinary expenditure, not exceeding 5 in any one year twenty thousand dollars, shall be valid, unless the same is passed at a meeting of the council especially called for the purpose of considering the same, and held not less than three months after a copy of such by-law at length as the same is ultimately passed, together with a notice of the day appointed 10 for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county; which said notice may be to the effect following:—

FORM OF NOTICE.

Form of no-

"The above is a true copy of a proposed by-law to be taken 15 into consideration by the municipality of the county (or united counties) of _____ at _____ in the said county, (or united counties) on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the council are hereby required to attend for the pur- 20 pose aforesaid.

"G. H.

"Clerk."

29 & 30 V., c. 51, s. 228.

PURCHASE OF PUBLIC WORKS.

Municipal councils may purchase Public works, and contract debts without imposing a yearly rate as provided in the three last sections.

182. Any council may contract a debt to Her Majesty, in the purchase of any of the public roads, harbours, bridges, 25 buildings or other public works in Ontario, whether belonging to this Province or the Dominion of Canada; and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work already sold or transferred, or which 30 may be sold or transferred, or agreed to be sold or transferred to such municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, cov- 35 enants and other securities shall be valid although no special or other rate per annum has been settled or imposed to be levied in each year, as provided by sections one hundred and seventy-eight, one hundred and seventy-nine and one hundred and eighty-one of this Act; 29 & 30 V., c. 51, s. 229; see 31 Vic., 40 c. 12, ss. 54, 55, 56, 57. Ca.

Rates may be imposed for the payment of debts contracted with the crown for such works.

(1.) But any council may in any by-law to be passed for the creation of any such debt, or for the executing any such bonds, deeds, covenants or other securities as aforesaid, to the Crown, or in any other by-law to be passed by the council, settle and 45 impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part 50 thereof; and the by-law shall be valid, although the rate settled or imposed thereby be less than is required by the said sections

last mentioned ; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby ; 29 & 30 V., c. 51, s. 229, sub-sec. 2.

(2.) The council purchasing any claim under chapter seven of the Consolidated Statutes for Upper Canada respecting the sale and purchase of claims due to Government for moneys advanced to Public Works, may raise by assessment, the sum necessary to pay the consideration agreed upon. 29 & 30 V., c. 51, s. 229, sub-sec. 3.

Purchase of claims due to Government.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT

183. Every council of every county and provisional corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 29 & 30 V., c. 51, s. 230.

Two special accounts to be kept ; 1, of the special rates ; 2, of the Sinking Fund.

184. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest ; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account of such debt. 29 & 30 V., c. 51, s. 231.

When surplus to be carried to the Sinking Fund account.

HOW SURPLUS TO BE INVESTED.

185. Every such council shall, from time to time, invest in Government securities, or otherwise, as the Lieutenant-Governor in Council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof as cannot be immediately applied towards paying the debt by the reason of no part thereof being yet payable ; and the council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the special rate to be applied, but the Lieutenant-Governor in Council may, by order, direct, that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit

How surplus to be disposed of.

Investments how to be made.

Application of moneys with consent of Lieutenant-Governor in Council.

of the sinking fund or special rate accounts, as directed by such order. 29 & 30 V., c. 51, s. 232.

APPROPRIATION OF SURPLUS.

Council may apply other funds towards such debts.

186. Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt. 29 & 30 V., c. 51, s. 233. 10

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

When part only of a debt has been incurred, the By-law may be repealed *pro tanto*.

187. When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. 29 & 30 V., c. 51, s. 234. 20

By-laws not repealable and appropriations not revocable till debt paid.

188. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the corporation treasury which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 29 & 30 V., c. 51, s. 235. 25 30

WHEN SPECIAL RATE MAY BE REDUCED.

When the rate imposed by By-law may be reduced by By-law.

189. In case in any particular year, one or more of the following sources of revenue, namely: 1. The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and 2. The sum on hand from previous years; and 3. Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and 4. Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the installment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less 35 40 45 50

than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised as a special rate. 29 & 30 V., c. 51, s. 236.

190. But the by-law shall not be valid unless it recites :— Recitals requisite in such By-law.

5 (1.) The amount of the special rate imposed by the original by-law ;

(2.) The balance of such rate for the particular year or on hand from former years ;

(3.) The surplus income of the work, share or interest therein
10 received for such year ; and

(4.) The amount derived for such year from any temporary investment of the sinking fund—

Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law—Nor unless the
15 by-law be afterwards approved by the Lieutenant-Governor in Council. 29 & 30 V., c. 51, s. 237. Reduced rate to be named. To be approved of by the Lieut.-Governor.

ANTICIPATORY APPROPRIATIONS.

191. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so,
20 by by-law, in the manner and subject to the provisions and restrictions following : 29 & 30 V., c. 51, s. 238. Anticipatory appropriations may be made.

(1.) The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid ; What funds may be so appropriated.

25 (a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made ;

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise ;

30 (c.) And of any money derived from any temporary investment of the sinking fund ;

(d.) And of any surplus money derived from any corporation work or any share or interest therein ;

(e.) And of any unappropriated money in the treasury ;

35 Such moneys respectively not having been otherwise appropriated ; 29 & 30 V., c. 51, s. 238, sub-s. 1.

(2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund
40 appropriation of the debt for such next ensuing year ; 29 & 30 V., c. 51, s. 238, sub-s. 2. The sources to be distinguished.

(3.) In case the moneys so retained at the credit of the special When suff.

- cent, the yearly rate may be suspended for the future year. rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. 29 & 30 V., c. 51, s. 238, sub-s. 3.
- By-law must recite,—** **192.** The by-law shall not be valid unless it recites :
- The original debt.** (1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created ; 29 & 30 V., c. 51, s. 239, sub-s. 1. 10
- The amount paid.** (2.) The amount, if any, already paid of the debt ; 20 & 30 V., c. 51, s. 239, sub-s. 2.
- The amount of sinking fund yearly.** (3.) The annual amount of the sinking fund appropriation required in respect of such debt ; 29 & 30 V., c. 51, s. 239, sub-s. 3.
- The amount in hand.** (4.) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ; 29 & 30 V., c. 51, s. 239, sub-s. 4. 15
- The amount required for next year's interest.** (5.) The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation ; and 29 & 30 V., c. 51, s. 239, sub-s. 5. 20
- And that it is reserved.** (6.) That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it,) and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year ; and 29 & 30 V., c. 51, s. 239, sub-s. 6. 25
- By-law to be approved by Lieut.-Governor.** (7.) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. 29 & 30 V. c. 51, s. 239 sub-s. 7. 30
- After the dissolution of a union, the senior municipality may relieve the junior by an anticipatory appropriation, &c.** **193.** After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. 29 & 30 V., c. 51, s. 240. 35

REPORT OF DEBTS TO BE MADE YEARLY.

- Every council to make a yearly report of the state of the debts to the Lieut.-Governor, &c.** **194.** Every council shall, on or before the thirty-first day of January in each year, transmit to the Lieutenant-Governor, through the Secretary and Registrar of the Province, an account of the several debts of the corporation, as they stood on the thirty-first of December preceding, specifying in regard to every debt of which a balance remained due at that day : 29 & 30 V., c. 51, s. 241. 40

What such report must shew.

- (1.) The original amount of the debt ;
- (2.) The date when it was contracted ;
- (3.) The days fixed for its payment ;
- (4.) The interest to be paid therefor ;

(5.) The rate provided for the redemption of the debt and interest ;

(6.) The proceeds of such rate for the year ending on such thirty-first day of December ;

5 (7.) The portion (if any) redeemed of the debt during such year ;

(8.) The amount of interest (if any) unpaid on such last mentioned day ; and

(9.) The balance still due of the principal of the debt.

10 **195.** The form of the account may from time to time be prescribed by the Lieutenant-Governor in Council. 29 & 30 V. c. 51, s. 242. The Lieut.-Governor may prescribe a form of account.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

196. In case one-third of the members of any council petition for a commission to issue under the Great Seal, to inquire When a commission of inquiry may issue.
 15 into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the
 20 same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases. 29 & 30 V., c. 51, s. 243.

197. The expenses to be allowed for executing the commission shall be determined and certified by the Secretary Expenses of such Commissions provided for.
 25 and Registrar of the Province, or his Deputy, and shall become thenceforth a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the treasurer of the cor-
 30 poration. 29 & 30 V., c. 51, s. 244.

POWER TO PASS BY-LAWS.

198. The council of every county, except a provisional council, may pass by-laws : 29 & 30 V., c. 51, s. 246. Councils except provisional may make By-laws ;

OBTAINING PROPERTY.

(1.) For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, im- For obtaining property, real and personal, &c.
 35 proving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required ; 29 & 30 V., c. 51, s. 246, sub-sec. 1.

APPOINTING CERTAIN OFFICERS.

(2.) For appointing such,—
 40 Pound-keepers, | Road Surveyors,
 Fence-Viewers, | Road Commissioners,
 Overseers of Highways, | Valuators ;
 —29 & 30 V., c. 51, s. 246, sub-sec. 2.

And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendent or overseer, in the same manner as councillors are paid; and all payments before the fourth day of March, in the year one thousand eight hundred and sixty-eight, made by any municipality to any commissioner, superintendent or overseer, acting as such, are hereby declared to be legal, but this section shall not in any way affect any judgment theretofore obtained, or any suit or proceeding theretofore commenced; 31 V., c. 30, s. 25.

To fix fees and securities.

(3.) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; 29 & 30 V., c. 51, s. 246, sub-sec. 3. 20

AIDING AGRICULTURAL AND OTHER SOCIETIES.

For aiding Agricultural Societies.

(4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the municipality; 29 & 30 V., c. 51, s. 246, sub-sec. 4. 25

CENSUS.

Local census.

(5.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality; 29 & 30 V., c. 51, s. 246, sub-sec. 5.

FINES AND PENALTIES.

Fines and penalties for neglect of duty.

(6.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,—

(a.) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof; and 35

(b.) For breach of any of the by-laws of the corporation; 29 & 30 V., c. 51, s. 246, sub-sec. 6.

Levying penalties by distress.

(7.) For collecting such penalties by distress and sale of the goods and chattels of the offender; 29 & 30 V., c. 51, s. 246, sub-sec. 7. 40

Imprisonment, when allowed and time of.

(8.) For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house of the county, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied; provided that for breach 45

of any by-law or by-laws for the suppression of houses of ill-fame, the imprisonment may be for any period, not exceeding six months, in cases of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid.

5 29 & 30 V., c. 51, s. 246, sub-sec. 8.

INVESTMENT OF MONEYS.

199. From and after the passing of this Act, any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, shall have power, by by-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Government of the Dominion of Canada, or in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate; and from time to time, as such securities mature, to invest in other like securities, or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; Provided always, that no municipal corporation shall invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. 29 & 30 V., c. 51, s. 272; 31 V., c. 30, s. 27, & 32 V., c. 43, s. 21.

Appropriation of certain moneys for Education.

Investment.

Proviso as to investments.

200. And whereas several municipalities have, prior to the first day of January, in the year one thousand eight hundred and sixty-seven, invested moneys derived from the said fund and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid. 29 & 30 V., c. 51, s. 273.

Investments already made, legalized.

201. Any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power by by-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law. 29 & 30 V., c. 51, s. 275.

Loans to boards of school trustees by municipalities.

202. Any board of school trustees may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any municipal corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. 29 & 30 V., c. 51, s. 276.

Boards of school trustees may borrow such moneys.

203. Any member of any municipal corporation or board of school trustees, who shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this

Liability of members of corporation or school trustees

investing money otherwise than as authorized by this act.

Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorised by this Act, or by the eleventh section of the Act respecting clergy reserves, or by any other law in that behalf made and provided, shall be held personally liable for any loss sustained by such corporation; and he is hereby forbidden under penalty of being deemed guilty of a misdemeanor from taking any such part or being any such party as aforesaid. 29 & 30 V., c. 51, s. 277.

BY-LAWS.

204. The council of every county may pass by-laws: 29 & 30 V., c. 51, s. 283. 10

WEIGHTS AND MEASURES.

Inspectors of weights and measures: their powers.

(1.) For appointing inspectors to regulate weights and measures, according to the lawful standard; 29 & 30 V., c. 51, s. 283, sub-sec. 1.

(2.) For visiting all places wherein weights and measures 15 steel-yards or weighing machines of any description are used; 29 & 30 V., c. 51, s. 283, sub-sec. 2.

(3.) For seizing and destroying such as are not according to the standard; 29 & 30 V., c. 51, s. 283, sub-sec. 3.

(4.) For imposing and collecting penalties upon persons who 20 are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines. 29 & 30 V., c. 51, s. 283, sub-s. 4.

PUBLIC MORALS.

Giving drink to children, &c.

(5.) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, 25 master or legal protector; 29 & 30 V., c. 51, s. 284, sub-s. 1.

Indecent placards, &c.

(6.) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; 29 & 30 V., c. 51, s. 284, sub-s. 2. 30

Vice.

(7.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; 33 V., c. 26, s. 4.

Lewdness.

(8.) For suppressing disorderly houses and houses of ill-fame; 29 & 30 V., c. 51, s. 284, sub-s. 4. 35

Racing.

(9.) For preventing horse racing; 29 & 30 V., c. 51, s. 284, sub-sec. 5.

Exhibitions, &c.

(10.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; 29 & 30 V., c. 51, s. 284, sub-s. 6. 40

Gaming.

(11.) For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein; 29 & 30 V., c. 51, s. 284, sub-s. 7.

(12.) For restraining and punishing vagrants, méndicants and **Vagrants.** persons found drunk or disorderly in any street, highway or public place ; 29 & 30 V., c. 51, s. 284, sub-s. 8.

(13.) For preventing indecent public exposure of the person **Indecent ex-** and other indecent exhibitions ; 29 & 30 V., c. 51, s. 284, sub-**posure.** sec. 9.

(14.) For preventing or regulating the bathing or washing the **Bathing.** person in any public water near a public highway ; 29 & 30 V., c. 51, s. 284, sub-s. 10.

ENGINEERS—INSPECTORS.

10 (15.) For appointing, in addition to other officers, one or more **Appointing** engineers, and also one or more inspectors of the House of In- **engineers and** dustry, also one or more surgeons of the Gaol and other institu- **inspectors.** tions under the charge of the municipality, and for the removal of such officers ; 29 & 30 V., c. 51, s. 286, sub-s. 1.

AUCTIONEERS.

15 (16.) For licensing, regulating and governing auctioneers and **Auctioneers.** other persons selling or putting up for sale goods, wares, merchandise or effects by public auction ; and for fixing the sum to be paid for every such license, and the time it shall be in force ; 29 & 30 V., c. 51, s. 286, sub-s. 2.

HAWKERS AND PEDLERS.

20 (17.) For licensing, regulating and governing hawkers or pet- **Licensing** ty chapmen, and other persons carrying on petty trades, who **hawkers, etc.** have not become permanent residents in the county, or who go from place to place or to other men's houses, on foot, or with any
25 animal bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel, or other craft or otherwise carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, and the time the license shall be in force ; and
30 the for providing the township clerks with licenses in this and previous sub-section mentioned, for sale to parties applying for the same in the township under such regulations as may be prescribed in such by-law ; but no duty shall be imposed for hawk- **Providing** ing or peddling any goods, wares or merchandise, the growth **township** of this Province, not being liquors, **clerks with**
35 within the meaning of the law relating to taverns or tavern **licenses.** licenses ; 32 Vic., c. 43, s. 19.

FERRIES.

(18.) For regulating ferries between any two places in the **Ferries.** municipality, and establishing the rates of ferriage to be taken
40 thereon ; but no such by-law as to ferries shall have effect until **With assent** assented to by the Lieutenant-Governor in Council ; 29 & 30 V., **of governor** c. 51, s. 286, sub-s. 4. **in council.**

And until the council of the county pass a by-law regulat- **Where there** ing such ferries, and in the cases of ferries not between two **is no by-law.** places in the same municipality, but being between places with-
45 in the Province of Ontario, the Lieutenant-Governor by order

in council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the Statutes in force relating to ferries; 29 & 30 V., c. 51, s. 287, and B. N. A. Act, s. 91, sub-s. 13.

LANDS FOR GRAMMAR SCHOOLS.

Purchase of
lands for gram-
mar schools.

(19.) For obtaining in such part of the county, or of any city 5 or town separated within the county, as the wants of the people may most require, the real property requisite for erecting county Grammar School-houses thereon, and for other Grammar School purposes, and for preserving, improving and repairing such school-houses, and for disposing of such property when no longer 10 required; 29 & 30 V., c. 51, s. 288, sub-sec. 1.

AIDING GRAMMAR SCHOOLS.

Aiding such
school.

(20.) For making provisions in aid of such Grammar Schools as may be deemed expedient; 29 & 30 V., c. 51, s. 288, sub-sec. 2.

PUPILS COMPETING FOR UNIVERSITY PRIZES.

Grammar
school pupils
competing for
university
prizes.

(21.) For making a permanent provision for defraying the ex- 15 pense of the attendance at the University of Toronto, and at the Upper Canada College, of such of the pupils of the Public Grammar Schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such Grammar Schools, possess competent attain- 20 ments for competing for any scholarship, exhibition or other similar prize, offered by such university or college; 29 & 30 V., c. 51, s. 288, sub-sec. 3.

Attendance at
grammar
schools.

(22.) For making similar provision for the attendance at any county Grammar School, for like purposes of pupils of Common 25 Schools of the county; 29 & 30 V., c. 51, s. 288, sub-sec. 4.

ENDOWING FELLOWSHIPS.

Endowing fel-
lowships.

(23.) For endowing such fellowships, scholarships or exhibi- tions, and other similar prizes, in the University of Toronto, and in the Upper Canada College, for competition among the pupils of the Public Grammar Schools of the county, as the 30 council deems expedient for the encouragement of learning amongst the youth thereof. 29 & 30 V., c. 51, s. 288, sub-sec. 5.

PAYING MEMBERS.

Remunera-
tion to Coun-
cillors limit-
ed.

(24.) For paying the members of the council for their attend- ance in council, or any member while attending on committee of the council, at a rate not exceeding two dollars per diem, and 35 five cents per mile necessarily travelled to and from such attendance. 29 & 30 V., c. 51, s. 271, & 31 V., c. 30, s. 26.

HARBOURS, DOCKS, &c.

For the clean-
liness of
wharves,
docks, &c.

(25.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, 40 river or water; 29 & 30 V., c. 51, s. 296, sub-sec. 1.

(26.) For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; 29 & 30 V., c. 51, s. 296, sub-sec. 2.

For removal
of door steps,
&c.

(27.) For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; 29 & 30 V., c. 51, s. 296, sub-sec. 3.

Wharves,
docks, &c.

(28.) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers, and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; 29 & 30 V., c. 51, s. 296, sub-sec. 4.

For regulating
harbours, &c.

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

(29.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the statute passed in the session held in fourteenth and fifteenth years of the reign of her Majesty Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the Consolidated Statute of Canada respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act; 29 & 30 V., c. 51, s. 349, sub-s. 1.

For taking
stock in rail-
ways or guar-
anteeing loans
to companies.

(30.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted; 29 & 30 V., c. 51, s. 349, sub-s. 2.

For guarantee-
ing the pay-
ment of deben-
tures, &c.

(31.) For issuing, for the like purpose, debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the council may think meet; 29 & 30 V., c. 51, s. 349, sub-s. 3.

For issuing de-
bentures.

(32.) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of counter-signing the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively; but the corporation shall not subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act. 29 & 30 V., c. 51, s. 349, sub-s. 4.

Form of.

To be confirm-
ed by public
vote.

205. Any debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as

Debentures
when valid

without the corporate seal. directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 29 & 30 V., c. 51, s. 350.

Head when to be a director. **206.** In case the council subscribes for and holds stock 5 in such company to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the com- 10 pany. 29 & 30 V., c. 51, s. 351.

EXEMPTION FROM TAXATION.

Exemption of manufactories from taxation. **207.** The council shall have the power of exempting any manufacturing establishment from taxation for any period not longer than five years. 33 V., c. 26, s. 15.

SEPARATE IMPROVEMENTS BY UNITED COUNTIES.

Enabling one of united counties to raise money for improvements. **208.** The councils of united counties may make appropria- 15 tions and raise funds, to enable either county separately to carry on such improvements as may be required by the inhabitants thereof. 29 & 30 V., c. 51, s. 290.

Reeves of the county interested only to vote for. **209.** Whenever any such measure is brought under the notice of the council of any united counties, none but the 20 reeves and deputy reeves of the county to be affected by the measure shall vote, except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. 29 & 30 V., c. 51, s. 291. 25

Provisions of this Act for repayment to apply. **210.** In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to. 29 & 30 V., c. 51, s. 292. 30

Treasurer to pay over moneys, without deduction. **211.** The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. 29 & 30 V., c. 51, s. 293.

In such cases, the property of the county interested is alone to be assessed. **212.** The property to be assessed for the purposes contem- 35 plated in the four last preceding sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon pro- 40 perty assessed in that county, and not upon property in any other county united with it; and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but 45 such debenture shall be under the seal of the united counties, and be signed by the warden thereof. 29 & 30 V., c. 51, s. 294.

ROADS, BRIDGES, DRAINS, WATER-COURSES.

WHAT CONSTITUTE HIGHWAYS.

213. All allowances made for roads by the Crown Surveyors in any town, township or place already laid out, or hereafter laid out, and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, as existing before the 5 Act of Union with Lower Canada, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have 10 been already altered, or may hereafter be altered according to law. 29 & 30 V., c. 51, s. 315.

What shall constitute highways.

HIGHWAYS VESTED IN THE CROWN.

214. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in Her Majesty, her heirs and succe- 15 sors. 29 & 30 V., c. 51, s. 316.

Highways, &c., vested in the crown.

JURISDICTION OF MUNICIPALITIES.

215. Subject to the exceptions and provisions hereinafter contained, every county council shall have jurisdiction over the original allowances for roads, highways and bridges within the municipality. 29 & 30 V., c. 51, s. 317.

Jurisdiction of municipal councils.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

216. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other 20 roads and bridges; but the Lieutenant-Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the 25 Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 29 & 30 V., c. 51, s. 318.

Roads under board of works not to be interfered with.

ROADS ON ORDNANCE LANDS.

217. No council shall pass any by-law (1) for stopping up 40 or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates are vested under the Statute of the late Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, 34 or the Consolidated Statute for Canada, chapter twenty-four, respecting the Ordnance and Admiralty lands transferred to the Province; or (2) for opening any such communication through

Nor ordnance roads, lands, &c.

Unless sanctioned by the chief engineer, officer, &c.

land held by the said Principal Secretary of State; or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the said Secretary of State; or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without 5 a written consent signed by the principal officer of the War Department, acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such principal officer and to be acting under such authority; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent, 10 authority and certificate. 29 & 30 V., c. 51, s. 319.

WHAT ROADS NOT TO BE CLOSED.

Council not to close road required by individuals for egress, &c.

218. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter or General Sessions, or any municipal Corporation, or otherwise 15 legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same. 29 & 30 V., c. 51, s. 320.

NOT TO ENCROACH UPON HOUSES, &c.

Nor to encroach upon houses, &c.

219. No council shall authorize an encroachment on any 20 dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner. 29 & 30 V., c. 51, s. 321.

WIDTH OF ROADS.

Width of roads.

220. No council shall lay out any road or lane more than ninety nor less than thirty feet in width; but any road, when 25 altered, may be of the same width as formerly. 29 & 30 V., c. 51, s. 322.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

What notice to be given of By-laws intended to affect public roads.

221. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widen- 30 ing, diverting or selling any other public highway, road, street or lane: 29 & 30 V., c. 51, s. 323.

Publication.

(1.) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original 35 allowance for road, street or other highway, road street or lane; 29 & 30 V., c. 51, s. 323, sub-s. 1.

The same.

(2.) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality; or if there be no such newspaper, then in a newspaper 40 published in some neighbouring municipality; 29 & 30 V., c. 51, s. 323, sub-s. 2.

Parties to be heard.

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected

thereby, and who petitions to be so heard ; 29 & 30 V., c. 51, s. 323, sub-s. 3.

(4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. 29 & 30 V., c. 51, s. 323, sub-s. 4. Clerk to give the notice.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &C.

222. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 29 & 30 V., c. 51, s. 324. Power to administer oaths in disputes respecting boundaries.

COMPENSATION FOR LANDS TAKEN.

223. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29 & 30 V., c. 51, s. 325. Owners of lands taken to be compensated.

TITLES TO LAND OF INFANTS, &C., HOW ACQUIRED.

224. In the case of real property which a council has authority under this Act to enter upon, taken or used without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof: in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29 & 30 V., c. 51, s. 326. Title to lands taken.

If there be no party who can convey.

225. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, Where a party has life interest only.

Sum awarded
how to be ap-
plied.

unless the Court of Chancery, or other court having equitable jurisdiction in such cases, do in the mean time direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court. 29 & 30 V., c. 51, s. 327.

Charges on
the purchase
money.

226. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29 & 30 V., c. 51, s. 328.

JOINT JURISDICTION OVER ROADS.

Joint juris-
diction over
certain roads.

227. In case a road lies wholly or partly between a county, town, city, township or incorporated village, and an adjoining county, or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8.

Both Councils
must concur
in By-laws
respecting
them.

228. No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9.

Arbitration
if they do not
concur.

229. In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10.

BY-LAWS.

By-laws re-
specting
roads.

230. The council of every county may pass by-laws: 29 & 30 V., c. 51, s. 333.

GENERAL POWERS AS TO ROADS, &C.

Opening or
stopping up
roads, &c.

(1.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; 29 & 30 V., c. 51, s. 333, sub-s. 1.

TOLLS.

To raise mo-
ney by toll.

(2.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same; 29 & 30 V., c. 51, s. 333, sub-s. 2.

40

FAST DRIVING ON BRIDGES.

To regulate
driving on
bridges.

(3.) For regulating the driving and riding on public bridges 29 & 30 V., c. 51, s. 333, sub-s. 3.

PITS AND PRECIPICES.

- (4.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; 29 & 30 V., c. 51, s. 333, sub-s. 4. To make regulations as to pits, &c.

ROAD ALLOWANCES.

- (5.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road; 29 & 30 V., c. 51, s. 333, sub-s. 5. For preservation of trees, stone, &c.

- (6.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price; 29 & 30 V., c. 51, s. 333, sub-s. 6. When the Council may stop up or sell a road allowance.

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &c.

- (7.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; 29 & 30 V., c. 51, s. 333, sub-s. 7. Granting privileges to road or bridge Companies.

TAKING STOCK IN.

- (8.) For taking stock in, or lending money to, any such incorporated road or bridge company, under and subject to the respective statutes in that behalf; 29 & 30 V., c. 51, s. 333, sub-s. 8. Taking stock in, or making loans to such Companies.

TOLLS ON, MAY BE GRANTED.

- (9.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair. 29 & 30 V., c. 51, s. 333, sub-s. 9. Granting right to take tolls; when.

TAKING MATERIALS.

- (10.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such Searching for and taking materials.

materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act. 29 & 30 V., c. 51, s. 333, sub-s. 10.

OLD ROAD ALLOWANCES.

When a road is substituted for an original allowance.

Conveying of former road allowance.

Compensation to parties whose land is taken.

231. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes. 29 & 30 V., c. 51, s. 334.

POSSESSION OF ROAD ALLOWANCES.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

232. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29 & 30 V., c. 51, s. 335.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-law for opening, &c., roads, &c., to require notice.

233. But no such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29 & 30 V., c. 51, s. 336.

For aiding in making roads and bridges.

234. The council of every county may pass by-laws for granting to any town, township, or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once

assuming the same as a county work; 29 & 30 V., c. 51, s. 344, sub-s. 8.

AID IN MAKING ROADS AND BRIDGES.

235. The council of every township, city, town and incorporated village may pass by-laws: 29 & 30 V., c. 51, s. 337.

By-laws for—
aiding counties
in making
roads and
bridges.

5 (1.) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality; 29 & 30 V., c. 51, s. 337, sub-s. 1.

10 (2.) For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 29 & 30 V., c. 51, s. 337, sub-s. 2.

Joint works
with other
municipalities.

15 (3.) The council of any municipal corporation may pass by-laws for granting aid to any adjoining municipal corporation in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through any adjoining municipality; 32 V., c. 43, s. 20.

By-laws to aid
adjoining mun-
icipality to
open roads, etc.

20 **236.** The council of every township may pass by-laws: 29 & 30 V., c. 51, s. 345:

By-laws for—

AIDING COUNTIES IN MAKING ROADS.

(1.) For granting to any adjoining county aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid to the county in which the township lies in respect of any highway, road, street, bridge or communication within the township assumed by the county as a county work, or agreed to be so assumed on condition of such grant; 29 & 30 V., c. 51, s. 345, sub-s. 1.

Aiding coun-
ty in making
roads.

JURISDICTION OVER ROADS.

WHAT ROADS.

237. The county council shall have exclusive jurisdiction over all roads and bridges, lying within any township of the county and which the council by by-law assumes as a county road or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county; and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie, wholly or in part, within one township: 29 & 30 V., c. 51, s. 341.

Exclusive ju-
risdiction over
certain roads
by counties.

TOWNSHIP BOUNDARY LINES.

40 (1.) All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils: 29 & 30 V., c. 51, s. 341, sub-s. 1.

To be opened,
&c., by town-
ship councils.

If any council fails to perform its duty.

(2.) Whenever township councils fail to maintain such roads in the same way as other township roads by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested ; 29 & 30 V., c. 51, s. 341, sub-s. 2.

If all the councils fail.

(3.) In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested : 29 & 30 V., c. 51, s. 341, sub-s. 3.

Duty of county council on petition.

(4.) A County Council receiving such petition, either from township councils or from ratepayers, as in the preceding subsection mentioned, may consider and act upon the same at the session at which the petition is presented ; The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairs of such lines of road, or may direct the expenditure of a certain proportion of Statute labour, or both, as may seem necessary to make the said lines of road equal to other local roads ; 29 & 30 V., c. 51, section 341, sub-s. 4, & 33 V., c. 26, s. 16.

Amount to be furnished by each township.

Commissioners to enforce order of county council as to such roads. Proviso.

(5.) It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads ; provided always, that if the representatives of any or all of the townships interested shall intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then such commissioner or commissioners shall delay proceedings for a reasonable time ; but if the work be not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves ; 29 & 30 V., c. 51, s. 341, sub-s. 5.

Payments to be made by township councils.

(6.) Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township ; but if there be not at any time before the striking of a county rate any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances ; 29 & 30 V., c. 51, s. 341, sub-s. 6.

COUNTY BOUNDARIES.

Township boundaries, being also county boundaries.

(7.) Township boundary line roads forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same ; 29 & 30 V., c. 51, s. 341, sub-s. 7.

When the several townships interested cannot agree.

(8.) Whenever the several townships interested in the whole or part of any line road, are unable mutually to agree as to their joint action in opening or maintaining such line road, or

portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road ; the county judge of the county in which the township first making the application is situate shall, in all cases, be the third arbitrator when such wardens are unable to agree ; 29 & 30 V., c. 51, s. 341, sub-s. 8

Wardens and county judge to decide.

(9.) It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute ; the warden of the county in which the township first making the application is situated, shall be the convener of the meeting ; and it shall be his duty to notify the warden of the other county and county judge of the time and place of meeting, within eight days of the time of his receiving such application ; 29 & 30 V., c. 51, s. 341, sub-s. 9.

Meetings of wardens.

Who to convene, &c.

(10.) At such meeting, the wardens and county judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of such commissioners to the extent of the sum apportioned to each ; and path-masters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such commissioner or commissioners in performing the statute labour unexpended ; 29 & 30 V., c. 51, s. 341, sub-s. 10.

What the wardens and county judge shall determine, &c.

(11.) Any county council may assume, make and maintain any township or county line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient ; 29 & 30 V., c. 51, s. 341, sub-s. 11.

County council may assume the road, &c.

(12.) It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines ; and in the case of county councils failing to agree on the respective portions of the expense to be borne by the several counties, it shall be the duty of each county council to appoint arbitrators as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final. 29 & 30 V., c. 51, s. 341, sub-s. 12.

Bridges over rivers being boundaries.

ROADS ASSUMED TO BE MACADAMIZED.

238. When a county council assumes by by-law any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner. 29 & 30 V., c. 51, s. 342

Roads assumed to be macadamized, &c.

CERTAIN POWERS OF JUSTICES IN SESSIONS TRANSFERRED.

239. Nothing herein contained shall be taken or construed to affect or repeal that section of the Act passed in the twenty-

ninth and thirtieth years of the reign of Her present Majesty chaptered fifty-one, which enacts, that

Certain powers of justices in sessions transferred to county councils.

"All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the Magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations or directions of the Magistrates would have subjected them to." 29 & 30 V., c. 51, s. 343. "

15

GENERAL POWERS OF COUNTIES RESPECTING HIGHWAYS.

By-laws for—

240. The council of every county shall have power to pass by-laws for the following purposes: 29 & 30 V., c. 51, s. 344.

Sale of original allowance, &c., for roads certain cases.

(1.) For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to the two hundred and twenty-first section of this Act; 29 & 30 V., c. 51, s. 344, sub-s. 1.

Preventing furious driving.

(2.) For preventing immoderate riding or driving of horses or other cattle on the highways, whether township or county highways; 29 & 30 V., c. 51, s. 344, sub-s. 2.

Licenses for livery stables, cabs, &c.

(3.) And in case of having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, for regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses and all other vehicles used or kept for hire, and for issuing and regulating teamsters' licenses, for regulating the width of tire used on such vehicles, for establishing the rates of fare that may be collected or taken by the owners or drivers, for enforcing the payment of such licenses, regulating rates of fare for the conveyance of goods or passengers, and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county, gravel or macadamized roads; 31 V., c. 30, s. 45.

Roads within or between several municipalities.

(4.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county, or between the county, and any adjoining county or city, or on the bounds of any town or incorporated village within the boundaries of the county, as the interests of the inhabitants of the county in the opinion of the council require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using

any land in any way necessary or convenient for the said purposes, subject to the restrictions hereinbefore contained; 29 & 30 V., c. 51, s. 344, sub-s. 3.

- (5.) For the protecting and regulating of booms on any stream or river for the safe-keeping of timber, saw-logs and staves within the municipality; 29 & 30 V., c. 51, s. 344, sub-s. 4. Protecting booms.

TREES OBSTRUCTING HIGHWAYS.

- (6.) For directing that, on each or either side of a highway passing through a wood, the trees, (unless they form part of an orchard or a shrubbery, or have been planted or reserved expressly for ornament or shelter,) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; 29 & 30 V., c. 51, s. 344, sub-s. 5. May direct the trees to be cleared on each side of highways.

LOCAL RATES FOR SPECIAL IMPROVEMENTS.

- (7.) For levying by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expense of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more especially benefited; provided that the provisions of this subsection shall not be held to apply to any road, bridge or other public work within the limits of any town or incorporated village municipality; 29 & 30 V., c. 51, s. 344, sub-s. 6. Local rates for special improvements.

- (8.) But no such by-law, as referred to in the last preceding subsection, shall be passed, except—1. Upon a petition signed by at least two-thirds of the electors who shall be rated for at least one-half of the value of the property within those parts of such townships which are to be affected by the by-law; 2. Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least four weeks in some newspaper, if any there be published in the county, or if there is no such newspaper, then in a newspaper published in some adjoining county; 29 & 30 V., c. 51, s. 344, sub-s. 7. Proceedings to obtain a by-law for.
Notice to be given.

ORIGINAL ROAD ALLOWANCES.

- 241.** The Council of every Township may pass by-laws for the stopping up and sale of any original allowance for road or any part thereof within the township municipality, and for fixing and declaring therein the terms upon which the same Stopping up and sale of original road allowance.

is to be sold and conveyed ; but no such by-law shall have any force (1) unless passed in accordance with the two hundred and twenty-first section of this Act, nor (2) until confirmed by a by-law of the council of the county in which the township is situate at an ordinary session of the county council, held not 5 sooner than three months, nor not later than one year next after the passing thereof ; 29 & 30 V., c. 51, s. 345, sub-s. 2.

Proceeds of
sale.

242. The proceeds of the sale of such lands shall form part of the general funds of the township municipality. 29 & 30 V., c. 51, s. 345, sub-s. 8.

10

243. The corporation of any township or county, wherever minerals are found, may sell, by public auction or otherwise, the mineral rights to the roads over which said township or county may have jurisdiction, if considered expedient so to do ; Provided always, that no such sale shall take place until after due 15 notice of such intended by-law has been posted up, in six of the most public places in the immediate neighbourhood of such road, for, at least, one month previous to the time fixed for considering such by-law ; Provided also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall 20 contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. 31 V., c. 30, s. 37.

REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

As to by-laws
already pass-
ed.

244. All by-laws passed by any municipal council, subsequent to the first day of January, in the year of our Lord, one 25 thousand eight hundred and sixty-seven, under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same become effectual, unless heretofore registered, pursuant to section three hundred and forty-eight of the Act passed in the session of the Parliament 30 of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty chaptered fifty-one, be duly registered in the Registry Office of the county where the land is situate ; and for the purpose of registration, a duplicate original of such by-law shall be made out, certified 35 under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof : and all by-laws heretofore passed, and all orders and resolutions of the Quarter or General Sessions heretofore passed, under the authority of which any street, road or highway is to be or has 40 already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of such 45 by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such Quarter or General Sessions, given under the hand and seal of the clerk of the peace (as the case may be). 29 & 30 V., c. 51, s. 348, & 31 V., c. 20, s. 63.

ARBITRATIONS.

By-laws au-
thorizing
branch rail-
ways.

245. In all cases of arbitration directed by this Act, the pro- 50 ceedings shall be as follows : 29 & 30 V., c. 51, s. 353.

(1.) Each party shall appoint one arbitrator, and give notice thereof in writing to the other party; and when the other party is a corporation, the notice shall be given to the head of the corporation; 29 & 30 V., c. 51, s. 353, sub-s. 1. Mode of appointing arbitrators and conducting arbitrations.

5 (2.) The two arbitrators appointed by or for the parties shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an equality of arbitrators, they shall appoint another arbitrator, or in
10 default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13. Third arbitrator.

(3.) In case of an arbitration between townships or between
15 counties, or between a county and a city, or between a county and a town, if for one month after having received such notice, the party notified omits appointing an arbitrator; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case
20 the arbitration is between townships, the warden of the county within which the townships are situate, or in case the arbitration is between counties, or between a county and a city or a town, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default; 29 & 30 V.,
25 c. 51, s. 353, sub-s. 3. Provision in case of neglect to appoint.

(4.) In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets or other communications, or to drains and sewers,
30 if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the council of such corporation of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of such council shall, within three days, appoint a
35 second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers such council intends to exercise with respect to the property (describing it); 29 & 30 V., c. 51, s. 353, sub-s. 4. In case of exercise of powers as to roads, drains, &c.

(5.) If within one month after service on the owner or owners
40 of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice
45 thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf; 29 & 30 V., c. 51, s. 353, sub-s. 5. If the owner of property fail to name an Arbitrator.

(6.) In either of the cases provided for by the two preceding subsections, the two arbitrators shall within seven days appoint
50 a third arbitrator, and their award shall be made within one month after the appointment; 29 & 30 V., c. 51, s. 353, sub-s. 6. Time for appointing third arbitrator and for award.

(7.) If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appoint-
County judge to appoint in certain cases.

ment of the last named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him; 29 & 30 V., c. 51, s. 353, sub-s. 7.

Appoint-
ments how to
be made.

(8.) The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law; 29 & 30 V., c. 51, s. 353, sub-s. 8.

Head may ap-
point for cor-
poration.

(9.) The arbitrators on behalf of a municipal corporation, or provisional corporation, shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council; 29 & 30 V., c. 51, s. 353, sub-s. 9.

Where many
parties are in-
terested in
same property.

(10.) In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in the above fourth subsection under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council of such corporation, be disposed of by one award, such persons shall have one month instead of seven days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the County Court Judge shall have power to name an arbitrator for them; 29 & 30 V., c. 51, s. 353, sub-s. 10.

Arbitrators to
be sworn.

(11.) Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace: 29 & 30 V., c. 51, s. 353, sub-s. 11.

Form of oath.

"I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence. So help me God." Which oath or affirmation shall be filed with the papers of the reference.

To be filed.

Award to be
binding in
certain cases,
must be
adopted by
By-law with-
in a certain
time.

(12.) In case the award relates to property to be entered upon, taken or used as mentioned in the said fourth subsection, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration; 29 & 30 V., c. 51, s. 353, sub-s. 12.

(13.) In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement 5 that the present subsection of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all docu- 10 mentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto; 29 & 15 30 V., c. 51, s. 353, sub-s. 13.

Notes of the evidence adduced to be taken and filed in certain cases.

(14.) Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of Law or Equity as if made on a submission by a bond containing an 20 agreement for making the submission a rule or order of such court; and in the cases provided for by the last preceding subsection, the court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be 25 taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the 30 court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require. 29 & 35 & 30 V., c. 51, s. 353, sub-s. 14.

Award to be made by at least two arbitrators, and subject to superior courts.

Powers of the courts in such matters.

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

246. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any justice of the peace for the county, or of the municipality in which the 35 offence was committed; and, in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such 40 fine and penalty, and costs, including the costs of the committal, be sooner paid; 29 & 30 V., c. 51, s. 355, sub-s. 23.

Recovery and enforcement of penalties.

Imprisonment in default of payment.

247. Upon the hearing of any information or complaint exhibited or made under this Act, any person (including the person giving or making the information or complaint) shall be 45 a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender; 29 & 30 V., c. 51, s. 355, sub-s. 24.

Who may be witness.

248. When not otherwise provided, every pecuniary penalty 3—10 Application of penalties.

recovered before any justice of the peace under this Act shall be paid and distributed in the following manner: one moiety to the city, town, village or township, in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper; 29 & 30 V., c. 51, s. 355, sub-s. 25. 5

Reward for taking persons guilty of horse stealing.

249. The council of every county municipality shall provide by by-law, that a sum not less than twenty dollars shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county, and such reward shall be paid out of the funds of the municipality on conviction of the thief, and on the order of the judge before whom the conviction is obtained; 29 & 30 V., c. 51, s. 15 355, sub-s. 26. 10

Not to disqualify witness.

250. The said reward shall not disqualify any person who might claim the same, or be entitled thereto, from being a witness on any prosecution for such stealing; 29 & 30 V., c. 355, sub-s. 27. 20

251. Every Police Magistrate shall *ex-officio* be a Justice of the Peace for the city or town for which he holds office, as well as also for the County or union of Counties in which such city or town is situate; and no other Justice of the Peace shall adjudicate upon, admit to bail, discharge prisoners, or otherwise act, except at the Courts of General Sessions of the Peace, in any case for any town or city where there is a Police Magistrate, except in case of the illness, or absence, or at the request, in writing, of the Police Magistrate. 32 V., c. 6., s. 11. 25

CITIES AND TOWNS TO BE COUNTIES, &c.

In what respect cities to be counties.

252. Every city and town separated shall be a county of itself for municipal purposes, and for such judicial purposes as are herein specially provided for in the case of all cities, but for no other; 29 & 30 V., c. 51, s. 356. 30

JUSTICES OF THE PEACE.

Heads of councils, mayors and reeves to be justices of the peace.

253. The head of every council, the police magistrate of every city and town, and reeve of every town, township and incorporated village, shall *ex-officio*, be justices of the peace for the whole county, or union of counties, in which their respective municipalities lie; Provided always, that before any reeve shall act in the capacity of a justice of the peace for the county, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace; 29 & 30 V., c. 51, s. 357, and 31 V., c. 30, s. 38. 35 40

Qualification and oaths of such persons as justices of the peace, when dispensed with.

254. No warden, mayor, police magistrate, or reeve, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a justice of the peace; 29 & 30 V., c. 31, s. 358. 45

Governor may appoint for towns.

255. Nothing herein contained shall limit the power of the Lieutenant-Governor to appoint under the great seal of the Pro-

vince any number of justices of the peace for a town, or shall interfere with the jurisdiction of justices of the peace for the county in which a town having no police magistrate is situate, over offences committed in the town; 29 & 30 V., c. 51, s. 361.

Jurisdiction of county justices in certain towns.

CONVICTIONS UNDER BY-LAWS.

5 **256.** It shall not be necessary in any conviction made under any by-law of any council, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law, under which the conviction is made, but all such convictions may be in the form given in the following schedule:

What only shall be necessary in convictions under by-laws.

PROVINCE OF ONTARIO,) BE IT REMEMBERED, Form of conviction.
County of , } that on the day of
To WIT. , A. D. , at , in the county
of , A. B. is convicted before the undersigned,
15 one of Her Majesty's justices of the peace in and for the said county, for that the said A. B. (*stating the offence, and time and place, and when and where committed*) contrary to a certain by-law of the municipality of the of , in the said county of ; passed on the day of
20 A. D. , and intituled: (*reciting the title of the by-law*); and I adjudge the said A. B. for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of , for his costs in this behalf. And if the
25 said several sums be not paid forthwith, (or on or before the day of , A. D. , (*as the case may be*), I order that the same be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the
30 common jail of the said county of (or, in the public lock-up at), for the space of days, unless the said several sums, and all costs and charges of conveying the said A. B. to such jail (or lock-up), shall be sooner paid.

Given under my hand and seal, the day and year first above
35 written, at , in the said county.

[L. S.]

J. M., J.P.

29 & 30 V., c. 51, s. 362.

257. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give
40 evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before justices of the peace in cases tried summarily under the statutes now in force; 29 & 30 V., c. 51, s. 363.

Compelling witnesses to attend, &c.

258. Every justice of the peace for a county shall have
45 jurisdiction in all cases arising under any by-law of any municipality in such county, where there is no police magistrate; 29 & 30 V., c. 51, s. 364.

Jurisdiction of Justices under By-laws.

259. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any
50 person concerning any account or other matter submitted to the council; 29 & 30 V., c. 51, s. 366.

Heads of Councils to administer oaths, &c.

Provision,
when a tree is
thrown down
across a line
fence.

Proviso : entry
to remove tree
not to be a
trespass, &c.

260. If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of 5 the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree ; and on his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured 10 party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party 15 liable to pay it under this Act ; provided always, that for the purpose of such removal, the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing; and all disputes arising between parties rela- 20 tive to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. 29 & 30 V., c. 51, s. 355, sub-s. 28.

261. In any prosecution, suit, action or proceeding in any 25 civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness ; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, 30 suit, action or proceeding, is a county. 32 V., c. 6, s. 13.

COURT HOUSES AND PRISONS.

GAOLS AND COURT HOUSES.

County council may pass by-laws for buildings.

262. Every county council may pass by-laws for erecting improving and repairing a court house, gaol, house of correction, and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in 35 repair, and provide the food, fuel and other supplies required for the same ; 29 & 30 V., c. 51, s. 401.

Gaols and court houses to be common to counties and cities, &c., not separated.

263. The gaol, court house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court house, 40 and house of correction of the town or city, and shall, in the case of such a city, continue to be so until the council of the city otherwise directs ; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any 45 competent authority of the town or city ; 29 & 30 V., c. 51, s. 402.

Compensation by city or town, how to regulated and made.

264. While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and 50 maintenance of prisoners, as may be mutually agreed upon, or

be settled by arbitration under this Act; 29 & 30 V., c. 51, s. 403.

265. In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having
 5 been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after
 10 such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. 29 & 30 V., c. 51, s. 404.

When the amount may be revised.

266. In case of a separation of a union of counties, all rules
 15 and regulations, and all matters and things in any Act of Parliament for the regulation of, or relating to court houses or gaols in force at the time of the separation, shall extend to the court house and gaol of the junior county; 29 & 30 V., c. 51, s. 406.

Upon separation, gaol and court house regulations to continue.

LOCK-UP-HOUSES.

20 267. The council of every county may establish and maintain a lock-up-house or lock-up-houses within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the
 25 funds of the county; and two or more municipal corporations may unite to establish and maintain a lock-up house; 29 & 30 V., c. 51, s. 407, 412.

Lock-up-houses may be established by county council.

268. Every such lock-up-house shall be placed in the charge of a constable specially appointed for that purpose, by the magistrates of the county at a General Sessions of the Peace therefor;
 30 29 & 30 V., c. 51, s. 408.

A constable to be placed in charge of.

269. Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the session of the Parliament of the late Province of
 35 Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enacts that "any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his county, for a period not exceeding two days, of any
 40 person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person
 45 found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any Justice or Jus-
 50 tices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law; 29 & 30 V., c. 51, s. 409.

Who liable to confinement in, &c.

270. The expense of conveying any prisoner to, and of keep- Expense of

conveying and maintain- ing prisoners. ing him in a lock-up-house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county ; 29 & 30 V., c. 51, s. 410.

Previous lock-up houses to continue. **271.** Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to be a lock-up-house as if established under this Act ; 29 & 30 V., c. 51, s. 411.

HOUSES OF INDUSTRY AND REFUGE.

272. The council of every county may acquire an estate in landed property for an industrial farm, and may within years after the passing of this Act, establish a house of industry and a house of refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons, and other servants, for the superintendence, care and management of such house of industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same ; Provided always, that any two or more united counties, or any two or more contiguous counties, or any city and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided. 29 & 30 V., c. 51, s. 413, and 31 V., c. 30, s. 42.

273. Nothing herein contained shall be taken or construed to affect or repeal so much of sections four hundred and fourteen and four hundred and fifteen of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty and chaptered fifty-one, which enact that,—

Who liable to be committed thereto. “ Any two of Her Majesty’s Justices of the Peace, may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations and orders of the House” ;

Indigent. “ (1.) All poor and indigent persons who are incapable of supporting themselves” ; 35

Idle. “ (2.) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ;

Lewd. “ (3.) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living ; 40

Frequentors of public houses. “ (4.) And all such as spend their time and property in public houses, to the neglect of any lawful calling ;

Idiots. “ (5.) And idiots.”

Punishment of refractory inmates. “ And every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour 45

as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.

- 274.** The Inspector shall keep an account of the charges of
 5 erecting, keeping, upholding and maintaining the House of Industry and Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the county
 10 council every year, or oftener when required by a by-law of the council, and a copy thereof shall be presented to the Legislative Assembly yearly. 29 & 30 V., c. 51, s. 416.
- Inspectors to keep and render accounts of expenses, &c.

THE CARE OF GAOLS AND COURT HOUSES, &C.

- 275.** The sheriff shall have the care of the county gaol, gaol
 offices and yard, and gaoler's apartments, and the appointment
 15 of the keepers thereof. 29 & 30 V., c. 51, s. 418; Con. Stat. U. C., c. 127, s. 1.
- Custody of gaols and court houses.

- 276.** The county council shall have the care of the court
 house and all the offices and rooms connected therewith, whether
 the same forms a separate building or is connected with the
 20 gaol, and shall have the appointment of the keepers thereof;
 and shall from time to time provide all necessary and proper accommodation for the courts of justice other than the division courts, and for all officers connected with such courts. 29 &
 30 V., c. 51, s. 419; Con. Stat. U. C., c. 127, s. 2.
- County council to appoint keepers, &c.

- 277.** In any city not being a separate county for all pur-
 25 poses, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. 29 & 30 V., c. 51, s. 420, Con. Stat. U. C. c. 127, s. 3.
- City gaols to be regulated by by-law.

CONFIRMING AND SAVING CLAUSES.

- 278.** Nothing herein contained shall be taken or construed
 30 to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of her present Majesty, chaptered fifty-one
 35 which enacts, that "so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers
 40 one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen; and also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much
 45 of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far
 50 as respects the continuing the same and the boundaries thereof, shall continue in force." 29 & 30 V., c. 51, s. 423, sub-s. 2.
- Exception from appeal.

Further execution.

Commence-
ment of this
Act, and of
certain pro-
visions thereof

279. This Act shall take effect on the day of
one thousand eight hundred and seventy

Inconsistent
enactments re-
pealed.

280. All Acts or parts of Acts inconsistent with the provi-
sions of this Act, relating to the Municipal Institutions of
Ontario, are hereby repealed; but the repeal thereof shall 5
not revive any Act or provision of Law by them repealed, or
prevent the effect of any saving clause therein, or the applica-
tion of any of such parts or acts, or of any act or provision of
law formerly in force, to any transaction, matter or thing ante-
rior to the said repeal to which they would otherwise apply. 10
29 & 30 V., c. 51, s. 428.

AS TO TOWNSHIPS, IT IS FURTHER ENACTED AS FOLLOWS :—

INTERPRETATION CLAUSE.

Interpretation
of words.

280. Unless otherwise declared or indicated by the context
whenever any of the following words occur in this Act, the
meanings hereinafter expressed, attach to the same, namely :
29 & 30 V., c. 51, s. 422. 15

Municipality.

1. The word "Municipality" means any locality the in-
habitants of which are now incorporated, or are continued or
become incorporated under this Act; 29 & 30 V., c. 51, s. 422,
sub-s. 1.

Council.

2. The word "Council" means the Municipal Council or 20
Provisional Municipal Council, as the case may be of the Muni-
cipality; 29 & 30 V., c. 51, s. 422, sub-s. 2.

County.

3. The word "County" means County, Union of Counties
or United Counties, or Provisional County, as the case may be;
29 & 30 V., c. 51, s. 422, sub-s. 3. 25

Township.

4. The word "Township" means Township, Union of Town-
ships or United Townships, as the case may be; 29 & 30 V.,
c. 51, s. 422, sub-s. 4.

Land, real
estate.

5. The words "Land," "Lands," "Real Estate," "Real Pro-
perty," respectively, include lands, tenements and hereditaments, 30
and all rights thereto and interests therein; 29 & 30 V., c. 51,
s. 422, sub-s. 5.

Highway,
road, etc.

6 The words "Highway," "Road" or "Bridge," mean re-
spectively a Public Highway, Road or Bridge; 29 & 30 V., c.
51, s. 422, sub-s. 6. 35

electors.

7. The word "Electors" means the persons entitled for the
time being to vote at Municipal Elections in the Municipality,
Ward, or Electoral Division or Police Village, as the case may
be; 29 & 30 V., c. 51, s. 422, sub-s. 7.

Reeve.

8. The word "Reeve" includes the Deputy Reeve or Deputy 40
Reeves when there is a Deputy Reeve for the Municipality;
except in so far as respects the office of a Justice of the Peace;
29 & 30 V., c. 51, s. 422, sub-s. 8.

Next day.

9. The words "next day" are not to apply to or include
Sunday or Statutory Holidays. 29 & 30 V., c. 51, s. 422, sub-s. 9. 45

EXISTING INSTITUTIONS CONTINUED.

281. The inhabitants of every township and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation then established. 29 & 30 V., c. 51, s. 1. Municipal corporations continued.

5 **282.** The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every such corporation, existing when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, Heads, officers, by-laws, etc., continued.
10 continued under and subject to the provisions of this Act, 29 & 30 V., c. 51, s. 3.

NAMES AND GOVERNING BODY.

1.—CORPORATIONS.

283. The name of every township and union of townships continued, or erected under this Act, shall be *The corporation of the township, or united townships* (as the case may be) of Names of municipal corporations.
15 (naming the same.) 29 & 30 V., c. 51, s. 4.

284. The powers of every township and union of townships under this Act, shall be exercised by the council thereof. 29 & 30 V., c. 51, s. 6. The council to exercise corporate powers.

NEW MUNICIPALITIES.

285. The inhabitants of every township or union of townships erected into an independent township or union of townships, and of every township separated from any incorporated union of townships, and of every township, or of the townships, if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall Extension of corporate municipalities.
25 be a body corporate under this Act. 29 & 30 V., c. 51, s. 8.

286. In case an addition be made to the limits of any municipality or municipal corporation, the by-laws of such municipality or corporation shall extend to the additional limits, and the by-laws of the municipality or municipal corporation from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality or corporation added to. 29 & 30 V., c. 51, s. 22. And when the limits of a municipality are extended.
30

LIABILITY TO DEBTS TO CONTINUE.

287. In case of the formation of any locality into an incorporated village, or of the erection of an incorporated village into a town, or of a town into a city, the village, town or city shall remain liable to all the debts and liabilities to which the locality, village or town was previously liable, in like manner as if the same had been contracted or incurred by the new Liability to debt to continue.
40 municipality. 29 & 30 V., c. 51, s. 23.

288. After an addition has been made to a village, town or city, the village, town or city shall pay to the township or county from which the additional tract has been taken, such part And in case of an extension of limits.

(if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by 5 arbitration under this Act. 29 & 30 V., c. 51, s. 24.

COUNCILS AND OFFICERS TO CONTINUE.

Former council and officers to exercise jurisdiction.

289. In case any locality be erected into an incorporated village, or an incorporated village into a town, or a town into a city, the council and the members thereof having authority in the locality or municipality immediately before such erection, 10 shall, until the council for the newly erected corporation be organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and lia- 15 bilities as before. 29 & 30 V., c. 51, s. 25.

ERECTION OF NEW TOWNSHIPS.

New townships beyond the limits of incorporated counties, may be attached to a county by proclamation.

290. In case a township be laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant- 20 Governor may by proclamation erect the township, or two or more of such townships lying adjacent to one another, into an incorporated township or union of townships, and annex the same to any adjacent incorporated county; and the proclama- 25 tion shall appoint the returning officer who is to hold, and the place for holding, the first election in the township or union of townships. 29 & 30 V., c. 51, s. 27. See Con. Stat. U. C., c. 3, ss. 10 and 11; Con. Stat. U. C., c. 128.

SEPARATION OF UNITED TOWNSHIPS.

Junior townships containing 100 freeholders, etc., to become a separate municipality.

291. When a junior township of an incorporated union of townships has one hundred resident freeholders and house- 30 holders on the assessment-roll as last finally revised and passed, such township shall, upon the first day of January then next thereafter, become separated from the union. 29 & 30 V., c. 51, s. 28.

In what case junior township containing less than 100, but exceeding 50, may be separated, and how.

292. In case a junior township has at least fifty but less 35 than one hundred resident freeholders and householders on the last revised assessment-roll, and two-thirds of the resident freeholders and householders of the township, petition the council of the county to separate the township from the union to which it belongs, and in case such council considers 40 the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes,—such council may, by by-law, separate the same from the union; and the by-law shall name 45 the returning officer who is to hold, and the place for holding, the first election under the same; or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to 50 some other adjoining municipality, and in case said council consider the interests and convenience of the inhabitants of

such township or townships would be promoted thereby, they may by by-law separate such township or townships from said union, and attach them to some other adjoining municipality. 29 & 30 V., c. 51, s. 29, and 31 V., c. 30, s. 4.

ANNEXATION OF GORES.

- 5 **293.** The Lieutenant-Governor may, by proclamation, annex to any township, or partly to each of more townships than one, any gore or small tract of land lying adjacent thereto and not forming part of any township, and such gore or tract shall thenceforward for all purposes form part of the township to which it is annexed. 29 & 30 V., c. 51, s. 30. See Con. Stat. U. C., c. 3, ss. 10, 11 and 12; 23 V., c. 2, s. 29.
- The Lieutenant-Governor may erect annex gores to adjacent townships.

ANNEXATION OF NEW TOWNSHIPS.

- 294.** In case a township be laid out by the Crown in an incorporated county or union of counties; or in case there is any township therein not incorporated and not belonging to an incorporated union of townships,—the council of the county or united counties shall, by by-law, unite such township for municipal purposes, to some adjacent incorporated township or union of townships in the same county, or union of counties. 29 & 30 V., c. 51, s. 31. See Con. Stat., c. 3, ss. 10, 11 and 12.
- New townships, etc., within the limits of incorporated counties to be united to adjacent townships, and how.

- 295.** In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships; and in case such adjacent townships have together not less than one hundred resident freeholders and householders within the same,—the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 29 & 20 V., c. 51, s. 32. See Con. Stat., c. 3, ss. 10, 11 and 12.
- Townships not incorporated may be formed into unions, and how.

- 30 **296.** In case the united townships are in different counties, the by-law shall cease to be in force whenever the union of the counties is dissolved. 29 & 30 V., c. 51, s. 33. Con. Stat. U. C., c. 3, ss. 10, 11 and 12.
- Townships in different counties.

SENIORITY OF TOWNSHIPS.

- 35 **297.** Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll. 29 & 30 V., c. 51, s. 34.
- Seniority of townships, how regulated.

NEW COUNTIES.

- 40 **298.** The Lieutenant-Governor may, by proclamation, form into a new county, any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory, (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in
- New counties, how formed by proclamation and annexed or united.

Council considers the new county; or any number of such new counties lying adjacent to one another, and not belonging to an incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 29 & 30 V., c. 51, s. 35. See Con. Stat. U. C., cs. 3 and 128. 10

BY-LAWS, DEBTS AND RATES OF FORMER UNIONS OF TOWNSHIPS AFTER BEING DISSOLVED.

By-laws to continue in townships.

299. When a junior township is separated from a senior township, the by-laws of the union shall continue in force in the several townships which composed the union, until altered or repealed by the council or councils of the same respectively. 29 & 30 V., c. 51, s. 59. 15

Upon dissolution of township unions the junior to pay a just proportion of debts of the union; and disposition of property of the union.

300. After the dissolution of a union of townships, the following shall be the disposition of the property of the union: 29 & 30 V., c. 51, s. 60.

(1.) The real property of the union situate in the junior township, shall become the property of the junior township; 29 & 30 V., c. 51, s. 60, sub-s. 1.

(2.) The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships; 29 & 30 V., c. 51, s. 60, sub-s. 2. 25

Joint interest in assets.

(3.) The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree; 29 & 30 V., c. 51, s. 60, sub-s. 3.

Arrangement as to debts.

(4.) The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just; 29 & 30 V., c. 51, s. 60, sub-s. 4. 30

How to be determined in case of disagreement.

(5.) In case the councils of the townships do not within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by arbitration under this Act; 29 & 30 V., c. 51, s. 60, sub-s. 5. 35

Amount settled to bear interest.

(6.) The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved; and shall be provided for by the council of the indebted township like other debts; 29 & 30 V., c. 51, s. 60, sub-s. 6. 40

Liability of monies for debts at time of dissolution.

301. In case of the separation of a township from a union of townships, each township which formed the union shall remain subject to the debts and liabilities of the union as if the same had been contracted or incurred after the dissolution by the respective townships which constituted the union, and the 45

effect of the separation of such union on the officers thereof and their sureties shall be as follows: 29 & 30 V., c. 51, s. 61.

(1.) The separation of a junior township from a union of townships, shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior township or remaining townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior township, or remaining townships; 29 & 30 V., c. 51, s. 61, sub-s. 1.

How only officers shall be affected.

(2.) All such public officers shall, after such separation, be the officers of the senior township, or remaining townships, as if they had originally been respectively appointed public officers for such senior township, or for such remaining townships only; 29 & 30 V., c. 51, s. 61, sub-s. 2.

Further as to officers, and;

(3.) All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers, in respect only of such senior township, or of such remaining townships; and all securities which have been given shall, after such separation, be read and construed as if they had been given only for such senior or remaining township or townships; 29 & 30 V., c. 51, s. 61, sub-s. 3.

their sureties ;

(4.) Nothing herein contained shall affect the right of new sureties being required to be given by any sheriff, or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. 29 & 30 V., c. 51, s. 61, sub-s. 4.

right to new sureties not affected.

302. After the dissolution, the council of the senior or remaining township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been issued before the dissolution; and such debentures or obligations shall recite or state the liability of the junior township therefor under this Act; and the junior township shall be liable therefor as if the same had been issued by the junior township. 29 & 30 V., c. 51, s. 62.

Debentures to issue for debts, and to find the old and new municipalities.

303. All assessments imposed by the council of the union for the year next before the year in which the dissolution takes effect, shall belong to the union, and shall be collected and paid over accordingly, and after the dissolution, all special rates for the payment of debts theretofore imposed by any by-law of the union, shall continue to be levied in the junior township; and the treasurer of the junior township shall pay over the amount as received to the treasurer of the senior township, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior township. 29 & 30 V., c. 51, s. 63.

Assessment for year preceding dissolution, who to belong to.

Special rates for debts continued, and to be paid over by the Treasurer of the junior county.

304. In case the amount so paid over to the senior township, or to any creditor of the senior township in respect of a liability of the union, exceeds the sum which, by the agreement or award between the councils, the junior township ought to pay, the excess may be recovered against the senior or remaining township as for money paid or as for money had and received, as the case may be. 29 & 30 V., c. 51, s. 64.

If the sum paid over exceeds the just amount the excess to be refunded.

Disposition of property upon formation of incorporated village. **305.** In case of the formation of an incorporated village and its separation from a township or townships, the following shall be the disposition of the property : 29 & 30 V., c. 51, s. 60, s. 64, sub-s. 1.

Realty. (1.) The real property situate in the village shall become the 5 property thereof. 29 & 30 V., c. 51, s. 60, sub-s. 1.

(2.) The real property situate in the remaining township or townships shall be the property thereof. 29 & 30 V., c. 51, s. 60, sub-s. 2 & s. 64, sub-s. 1.

Joint interest in assets. (3.) The corporations shall be jointly interested in the other 10 assets, and the same shall be retained or divided or otherwise disposed of, as they may agree. 29 & 30 V., c. 51, s. 60, sub-s. 3, & s. 64, sub-s. 1.

Arraignment as to debts. (4.) The one shall pay or allow to the other, in respect of the said disposition of the real and personal property and in respect 15 of the debts of the township or townships and village, such sum or sums of money as may be just. 29 & 30 V., c. 51, s. 60, sub-s. 4, & s. 64, sub-s. 1.

How to be determined in case of disagreement. (5.) In case the council of the township or townships and village do not within three months after the first meeting of 20 the council of the village agree as to the disposition of the personal property, or as to the sum to be paid by the one to the other or others or as to the times of payment thereof, the matter shall be settled by arbitration under this act. 29 & 30 V., c. 51, s. 60, sub-s. 5, & s. 64, sub-s. 1. 25

Amount settled to bear interest. (6.) The amount so agreed upon or settled shall bear interest from the day on which the village was formed, and shall be provided for by the council of the indebted corporation like other debts. 29 & 30 V., c. 51, s. 60, sub-s. 6 & s. 64, sub-s. 1.

Case of village separating from township. **306.** In case of such formation and separation of a village 30 from a township or townships, the township or townships and village which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred after such formation and separation by the township or townships, or village respectively. 29 & 30 V., c. 51, 35 s. 61, and s. 64, sub-s. 1.

Debentures to issue for debts and to bind the old and new municipalities. **307.** After such formation and separation the council of each remaining township shall issue its debentures or other obligations for any part of any debt theretofore contracted by it for which debentures or other obligations might have been, but 40 had not been, issued before such formation and separation, and such debentures or obligations shall recite or state the liability of the village therefor under this Act; and the village shall be liable therefor as if the same had been issued by the village. 29 & 30 V., c. 51, s. 62, and s. 64, sub-s. 1. 45

Assessment for year preceding dissolution who to belong to. **308.** All assessments imposed by the council of the union for the year next before the year in which such formation and separation takes effect shall belong to the union, and shall be collected and paid over accordingly, and after such formation and separation all special rates for the payment of debts there- 50 tofore imposed by any by-law of the union shall continue to be

levied in the village; and the treasurer of the village shall pay over the amount as received to the treasurer of the township or townships, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the township. 29 & 30 V., c. 51, s. 63, and s. 64, sub-s. 1. Special rates for debts continued and to be paid over by treasurer of the junior county.

309. In case the amount so paid over to any township, or to any creditor thereof, in respect of a liability before such formation and separation, exceeds the sum which, by the agreement or award between the councils, the village ought to pay, the excess may be recovered against such township as for money paid, or as for money had and received, as the case may be. 29 & 30 V., c. 51, s. 64, and sub-s. 1. If the sum paid over exceeds the just amount, the excess to be refunded.

COUNCILS, OF WHOM COMPOSED.

THE HEADS.

310. The head of every township shall be designated the Reeve thereof. 29 & 30 V., c. 51, s. 65. Heads of corporations.

THE MEMBERS.

311. The councils of townships shall be constituted as follows: 29 & 30 V., c. 51, s. 66. Composition of council.

(1.) The council of every township shall consist of a reeve who shall be the head thereof, and four councillors, and if the township had the names of five hundred freeholders and householders on the last revised assessment roll, then the council shall consist of a reeve, deputy reeve and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29 & 30 V., c. 52, s. 2. Townships.

312. No reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate under the hand and seal of the township, village or town clerk, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such reeve or deputy reeve; nor in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk, or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred freeholders and householders in the municipality for the first deputy reeve elected for such municipality, and that no alteration reducing the limits of the municipality and the number of persons possessing the same property qualifications as voters, within five hundred for each additional deputy reeve since the said rolls were last revised, has taken place. 29 & 30 V., c. 52, s. 2. County council certificates to be filed by reeve and deputy reeves.

PROVISIONAL COUNCILS OF COUNTIES.

WHO TO COMPOSE.

313. The reeves and deputy reeves of the municipalities What reeves

and deputy
reeves to be
provisional
council.

within a junior county for which a provisional council is established shall *ex officio* be the members of the provisional county council. 29 & 30 V., c. 51, s. 69.

QUALIFICATIONS OF REEVES, DEPUTY REEVES AND COUNCILLORS.

Qualification
of councillors.

314. The persons qualified to be elected reeves, deputy reeves and councillors of any municipality are such persons as reside within such municipality or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and are not disqualified under this act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or a freehold or leasehold partly legal and partly equitable rated in their own names on the last revised assessment roll of such municipality to at least the value following, over and above all charges liens or incumbrances affecting the same:—

Townships.

In townships—Freehold to four hundred dollars, or leasehold to eight hundred dollars;

As to property
partly free-
hold.

And so in the same proportions in case the property is partly freehold and partly leasehold.

“Leasehold”
defined.

The word “leasehold” in this section shall not include a term less than a tenancy for a year, or from year to year; and the qualification of all persons where a qualification is requisite under this Act may be of an estate either legal or equitable or partly legal and partly equitable. 29 & 30 V., c. 51, s. 70.

In new town-
ship not hav-
ing assessment
roll.

315. In case of a new township erected by proclamation for which there has been no assessment roll, every person who at the time of the first election has such an interest in real property and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 29 & 30 V., c. 51, s. 71.

If only one
person be
qualified.

316. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 29 & 30 V., c. 51, s. 72.

Disqualifica-
tion of coun-
cillors.

317. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, chamberlain or clerk of any municipal corporation, no bailiff of any division court, no county attorney, no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no innkeeper or saloon keeper, and no person having by himself or his partner an interest in any contract, with or on behalf of the corporation, shall hereafter be qualified to be a member of the council; Provided always, that no person shall be held to be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the council, or by having a lease of twenty-one years or upwards of any property from the corporation of the municipality, but any such leaseholder shall not vote in the council on any question affecting any lease from such corporation. 31 V., c. 30, s. 8.

Proviso: as to
shareholders
in companies,
etc.

EXEMPTIONS.

318. All persons over sixty years of age; all members and Exemptions.
 officers of the Legislative Assembly of Ontario and of the Senate
 and House of Commons of Canada; all persons in the civil
 service of the crown; all Judges not disqualified by the last
 5 preceding section; all coroners; all persons in priest's orders;
 clergymen and ministers of the gospel of every denomination;
 all members of the law society of Upper Canada, whether bar-
 risters or students; all attorneys and solicitors in actual prac-
 tice; all officers of courts of justice; all members of the medical
 10 profession, whether physicians or surgeons; all professors,
 masters, teachers and other members of any university, college
 or school in Ontario, and all officers and servants thereof; all
 millers; and all firemen belonging to an authorized fire com-
 pany—are exempt from being elected or appointed councillors,
 15 or to any other corporate office. 29 & 30 V., c. 51, s. 74.

ELECTORS.

319. The electors of every municipality for which there is an Electors, quali-
fication of,
etc.
 assessment roll, shall be the freeholders thereof in their own
 right or right of their wives, whether resident or not, and such
 of the residents therein for one month next before the election
 20 as then are, or whose wives then are householders or tenants
 in the municipality; all which electors shall be natural-born or
 naturalized subjects of Her Majesty, and males of the full age
 of twenty-one years, and (if not voting in respect of a freehold),
 resident within the municipality for which the vote is being
 25 taken for one month next before the election; and all which
 electors shall have been severally rated on the last revised
 assessment roll for real property in the municipality, held in
 their own right or that of their wives as proprietors, house-
 holders or tenants, and have received no reward, nor have any
 30 expectation of reward for voting, and are named or purported
 to be named in the list of electors: such rating shall be absolute
 and final, and shall not be questioned either by any returning
 officer, or on any application to set aside any election. The
 clerk shall furnish the returning officer with a list of electors
 35 verified as such under his hand. 29 & 30 V., c. 51, s. 101, sub-s.
 8; 31 V., c. 30, s. 9.

320. In townships such real property, whether freehold or In townships.
 leasehold, or partly each, must have been so rated as of at least
 the actual value of one hundred dollars. 31 V., c. 30, s. 10.

321. At the first election for a newly created municipality, In newly
created muni-
cipalities, not
having any
assessment
roll.
 for which there is no separate assessment roll, the qualification
 of nomination on such list of electors and of rating on the roll
 is dispensed with, and every resident male inhabitant, though
 not previously assessed, shall be entitled to vote if he possesses
 45 the other qualifications above mentioned, and has in his own
 right or that of his wife, at the time of tender of his vote, suf-
 ficient property to have entitled him to vote if he had been
 rated for such property, and name the property on which he
 votes at the time of tender of his vote; and he need not,
 50 though not a freeholder, have been resident for one month
 next before the election. 29 & 30 V., c. 51, s. 77; 31 V., c.
 30, s. 9.

- Townships.** **322.** In townships divided into electoral divisions, no elector shall vote in more than one division. 29 & 39 V., c. 51, s. 78, sub-s. 1.
- Householder defined.** **323.** Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166.
- When landlord and tenant both rated.** **324.** In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 29 & 30 V., c. 51, s. 79. 10
- Why joint owners rated together.** **325.** When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 31 V., c. 30, s. 11. 15

ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

- Elections for townships not to be in cities, towns, or villages, as no elections shall be in taverns.** **326.** No election of township councillors shall be held within any city, town or incorporated village, nor shall any election for a municipality or any ward thereof, be held in a tavern or house of public entertainment licensed to sell spirituous liquors. 29 & 30 V., c. 51, s. 82. 20

FIRST ELECTIONS IN NEW AND EXTENDED MUNICIPALITIES.

- First elections when corporations are newly erected or extended.** **327.** In case of the incorporation of a new township or union of townships; and in case of the separation of a junior township from a union of townships; the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the 25 end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29 & 30 V., c. 51, s. 83, sub-ss. 1, 2 and 5. •
- First election junior township after reparation.** **328.** When a junior township of a union has one hundred 30 resident freeholders and householders on the then last revised assessment-roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding 35 the same, and otherwise provide for the due holding of the election according to law. 29 & 30 V., c. 51, s. 91.

SUBSEQUENT ELECTIONS.

- Places of elections.** **329.** Every election shall be held in the municipality to which the same relates. 29 & 30 V., c. 51, s. 84.
- Elections annually.** **330.** The electors shall elect annually on the first Monday in 40 January, the members of the council, except such members as may have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or ap-

pointed and sworn into office, and the new council organized.
33 V., c. 26, s. 3.

331. In case of the separation of a union of townships, the existing division into wards, if any, shall cease as if the same had been duly abolished by by-law, and the elections of councillors shall be by general vote until the township or townships are divided into electoral divisions under the provisions of this Act. 29 & 30 V., c. 51, s. 92.

Ward divisions in united townships to cease on dissolution of union.

332. The election of reeves, deputy reeves and councillors shall be by general vote, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 29 & 30 V., c. 51, s. 93.

Certain elections to be by vote.

RETURNING OFFICERS.

333. The council of every municipality in which the election is to be by wards or electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing elections. 29 & 30 V., c. 51, s. 94.

Returning officers for elections by wards.

WHEN CLERKS TO BE EX-OFFICIO RETURNING OFFICERS.

334. In the case of a municipality in which the election is not to be by wards or electoral divisions, the clerk shall be the returning officer at all elections after the first. 29 & 30 V., c. 51, s. 95.

When clerk to be ex officio returning officer.

IF THE RETURNING OFFICER BE ABSENT.

335. In case, at the time appointed for holding an election the returning officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a returning officer. 29 & 30 V., c. 51, s. 97.

The absence of the returning officer provided for.

THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

336. The returning officer shall during the days of the election or of voting of electors as to a by-law act as a conservator of the peace for the city or county in which the election or voting is held, and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting shall assist the returning officer or justice of the peace. 29 & 30 V., c. 51, s. 98.

Returning officers to be conservators of the peace; their powers.

MAY SWEAR IN SPECIAL CONSTABLES.

Special constables to be sworn in.

337. Every returning officer or justice of the peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election or voting; and any person liable to serve as constable and required to be sworn in as a special constable by returning officer or justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 29 & 30 V., c. 51, s. 99.

PROCEEDINGS AT ELECTIONS.

Nomination meeting.

338. A meeting of the electors shall take place for the nomination of candidates for the offices of reeve, deputy reeves, and councillors in townships, at noon, on the last Monday but one in December, annually, at such place therein as shall from time to time be fixed by by-law: 29 & 30 V., c. 51, s. 100.

President.

(1.) The clerk (or in his absence a chairman to be chosen) shall preside at such meeting, of which the clerk shall give at least six days' notice; 29 & 30 V., c. 51, s. 100, sub-s. 1.

If no more candidates than offices.

(2.) If only the necessary number of candidates to fill the vacant offices, shall be proposed and seconded, the clerk or chairman shall, after the lapse of one hour, declare such candidate or candidates duly elected; 29 & 30 V., c. 51, s. 100, sub-s. 2.

If more and poll demanded.

(3.) If more than the necessary number of candidates are proposed, the clerk or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened in each electoral division, or if the municipality be not divided into electoral divisions, then at such place as the council shall by by-law determine for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer; 29 & 30 V., c. 51, s. 100, sub-s. 3; and 31 V., c. 30, s. 13.

Notice of person proposed.

(4.) The clerk or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the municipality, the names of the persons proposed for the respective offices, and the clerk shall provide the returning officer, or officers in case of electoral divisions, with a certified list of the names of such candidates, specifying the offices for which they are respectively candidates; 29 & 30 V., c. 51, s. 100, sub-s. 4.

List of voters.

(5.) The clerk shall, before the poll is opened deliver to the returning officer for every electoral division, a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in that electoral division, to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand; 29 & 30 V., c. 51, s. 100, sub-s. 5.

Poll books.

(6.) The clerk shall provide the returning officer with a poll-book, and he, or his sworn poll-clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to

such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name; 29 & 30 V., c. 51, s. 100, sub-s. 6. How kept.

- 5 (7.) Every returning officer shall, on the day after the close of the poll, return the poll-book to the township clerk, verified under oath before the said clerk, or any justice of the peace for the county or union of counties in which the township may lie, as to the due and correct taking of the votes; 29 & 30 V., c. 51, s. 100, sub-s. 7, and 31 Vic., c. 30, s. 14. Returning the poll books.

- (8.) The clerk (or person so appointed as chairman as aforesaid) shall add up the votes set down for each candidate on the respective poll-books, and ascertain the aggregate number of votes, and shall, on the day following the election, put up in some conspicuous place at the town hall, or other place where the nomination was held, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, showing the successful candidate or candidates; 31 V., c. 30, s. 15. Summing up votes. Declaring candidates elected.

- 20 (9.) In case two or more candidates have an equal number of votes, the said clerk, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the clerk shall not vote at any such election; 29 & 30 V., c. 51, s. 100, sub-s. 9. Casting vote in case of ties.

WHO MAY ADMINISTER OATHS.

- 25 **339.** The returning officer or chairman may administer all oaths or affirmations necessary at any election, or any vote in respect of a by-law. 29 & 30 V., c. 51, s. 101, sub-s. 7. Returning officer may administer oaths.

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

- 340.** At any election, the only oaths or affirmations to be required of any person claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the township or ward (as the case may be) in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is resident within the municipality for which the election is held for one month next before the election; and that he is, or his wife is, a householder or tenant within such municipality, and (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; (or in the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the person offering to vote may be required to state in the oath the property, in respect of which he claims to vote, and that he is a resident of such municipality; and such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with re-
- The only oaths to be required by voters, otherwise than in respect of freehold.

spect to the facts specified in such oaths or affirmations ; 29 & 30 V., c. 51, s. s. 77, 101, sub-sec. 8 ; 31 V., c. 30, s. s. 9, 10.

The only oaths to be required by voters in respect of freehold.

341. And the only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-five years, and is a natural born or naturalized subject of Her Majesty ; that he has not voted before at the election in the township or ward (as the case may be) in which he is tendering his vote ; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election ; that he is a freeholder in his own right, (or right of his wife, as the case may require) ; and in every case (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors ; and in case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of electors, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality. And such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 29 & 30 V., c. 51, s. s. 77, 101, sub sec. 8 ; 31 V., c. 30, s. s. 9, 10.

Election riotously broken up to be resumed.

342. In case, by reason of riot or other emergency, an election is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, for four days until the poll has been open without interruption and with free access to voters, for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 29 & 30 V., c. 51, s. 103.

If election prevented for four days poll book to be returned and a new election ordered.

343. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election, and a new election shall take place ; and the head of the municipality shall issue his warrant accordingly. 29 & 30 V., c. 51, s. 104.

ELECTION WHEN SEAT VACATED.

Seat in council vacated.

344. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or become insolvent, within the meaning of the Insolvent Act of 1869, or he apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or he absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. 31 V., c. 30, s. 22.

345. In any case provided for by section three hundred and forty-four, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the council caused by death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council shall forthwith, by warrant under the signature of such head, clerk or member, and under the corporate seal, require the returning officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 29 & 30 V., c. 51, s. 125.

New election provided for.

346. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled. 29 & 30 V., c. 51, s. 126.

Term of office.

347. In case such non election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk in like manner as provided for by the three hundred and forty-fifth section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 29 & 30 V., c. 51, s. 127.

Non-election of members not to prevent organization of council.

348. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. 29 & 30 V., c. 51, s. 128.

Time for holding and notice of new election.

APPOINTMENTS IF ELECTION NEGLECTED.

349. In case at any annual or other election, the electors, from any cause not provided for by the three hundred and forty-second and three hundred and forty-third sections, neglect or decline, to elect the members of council for a municipality on the day appointed, or to elect the requisite number of members the other members of the Council, or if there are none, then the members for the preceding year, or the majority of them, respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect, as if elected. 29 & 30 V., c. 51, s. 129.

Appointment of election neglected or declined.

CONTROVERTED ELECTIONS.

350. In case the right of a municipality to a reeve or deputy reeve or reeves, or in case the validity of the election or appointment of reeve, deputy reeve or councillor, is contested, the same may be tried in term or vacation by a judge of either of the Superior Courts of Common Law, or the clerk of the Crown and Pleas, sitting in Chambers, under the authority of the Act

Trial of contested elections or right to elect.

passed in the thirty-third year of the reign of Her Majesty, chaptered eleven, or of any general rule made or to be made under the said Act, or the senior or officiating judge of the County Court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election or appointment as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose. 29 & 30 V., c. 51, s. 130.

351. The proceedings for the trial shall be as follows :—

Time for limited and security and proof required.

(1.) If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge or such clerk reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance, before the judge or said clerk, or before a commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the judge or clerk, upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge or clerk shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested; 29 & 30 V., c. 51, s. 131, sub-s. 1.

Writ of *quo warranto*.

When the relator claims to be elected.

(2.) In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity both of the election complained of and the alleged election of the relator or other person; 29 & 30 V., c. 51, s. 131, sub-s. 2.

When several are complained of.

(3.) In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons; 29 & 30 V., c. 51, s. 131, sub-s. 3.

All to be tried by the same judge.

(4.) Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be made returnable before the judge or clerk who is to try the first, and such judge or clerk may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 4.

Writ, who to issue, and return day thereof.

(5.) The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the crown in the county in which the election took place, and shall be returnable before the judge in chambers of the superior court at Toronto, or before the judge of the county court, or the said clerk of the crown and pleas, at a place named in the writ, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ; 29 & 30 V., c. 51, s. 131, sub-s. 5.

Returning officer may be made a party.

(6.) The judge or clerk before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of

a writ of summons at any stage of the proceedings to make the returning officer a party thereto; 29 & 30 V., c. 51, s. 131, sub-s. 6.

(7.) Every writ under this section shall be served personally, Services to be personal, unless excused by judge.
 5 unless the party to be served keeps out of the way to avoid personal service, in which case the judge or said clerk upon being satisfied thereof, by affidavit, or otherwise, may make an order for such substitutional service as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 7.

10 (8.) The judge or clerk before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings; 29 & 30 V., c. 51, s. 131, sub-s. 8. The judge may allow persons, etc., to intervene.

(9.) The judge or clerk shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may by order cause the assessment Judge shall try summarily.
 20 rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by jury by writ of trial directed to any court named by the judge or clerk, or by Proof.
 25 one or more of these means, as he deems expedient; 29 & 30 V., c. 51, s. 131, sub-s. 9.

(10.) In case the election complained of be adjudged invalid, And remove, admit, or confirm.
 the judge or said clerk shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in Proof.
 30 case the judge or clerk determines that any other person was duly elected, he shall forthwith order a writ to issue causing such other person to be admitted; and in case he determines that no other person was duly elected instead of the person removed, he shall by the writ cause a new election to be held;
 35 29 & 30 V., c. 51, s. 131, sub-s. 10.

(11.) In case the election of all the members of a council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remain- If all the members ousted, writ for new election to go to the sheriff.
 40 ing seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein; 29 & 30 V., c. 51, s. 131, sub-s. 11.

45 (12.) Any person whose election is complained of may, within one week after service on him of the writ, transmit post paid, through the post office, directed "to the clerk of the judges, chambers, at Osgoode Hall, Toronto," or to "the judge of the county court," of the county of (as the case may be) Defendant may disclaim.
 50 may be) or may cause to be delivered to such clerk or judge, a disclaimer signed by him, to the effect following: How to proceed.

"I, A. B., upon whom a writ of summons, in the nature of Form of disclaimer, etc.
 "a *quo warranto*, has been served for the purpose of contest-

"ing my right to the office of township councillor (*or as the case may be*) for the township of _____, in the county of _____ (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same."

Dated the _____ day of _____

(Signed)

A. B.

29 & 30 V., c. 51, s. 131, sub-s. 12.

Posting and registry of disclaimer.

(13.) Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed; 29 & 30 V., c. 51, s. 131, sub-s. 13.

Duplicate disclaimer to be delivered to clerk.

(14.) Every person so disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council; 29 & 30 V., c. 51, s. 131, sub-s. 14.

Costs provided for.

(15.) No costs shall be awarded against any person disclaiming as aforesaid, unless the judge or said clerk of the crown and pleas is satisfied that such party consented to his nomination as a candidate or accepted the office, in which cases the costs shall be in the discretion of the judge or clerk aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 15.

When discretionary.

(16.) In all cases, not otherwise provided for, costs shall be in the discretion of the judge or clerk aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 16.

Person elected may disclaim at any time before his election is complained of.

(17.) Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:

"I, A. B., do hereby disclaim all right to the office of township councillor (*or as the case may be*), for the township of _____ (*or as the case may be*) and all defence of any right I have to the same."

Disclaimer to operate as resignation.

Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having the next highest number of votes shall then become the councillor, or as the case may be; 29 & 30 V., c. 51, s. 131, sub-s. 17.

Judge to return his judgment to the court in term; it shall be final.

(18.) The decision of the judge or clerk aforesaid shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of preceptory *mandamus*, and by writs of execution for the costs awarded; 29 & 30 V., c. 51, s. 131, sub-s. 18.

The judge to make rules, etc.

(19.) The judges of the superior courts of common law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *certiorari*, *mandamus* and ex-

ecution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same or any other writ or order of the court or judge or clerk aforesaid, and respecting the practice generally, 5 in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 19.

- 10 **352.** The appointment of members of the council, when re- Appointmen
equivalent to
elections.
quired to be made under this act shall be deemed elections within the preceding section, and in such cases the relator may be any member of the council or any elector of the municipality or ward for which the appointment was made. 29 &
15 30 V., c. 51, s. 132.

MEETING OF COUNCIL, &c.

353. The members of every township council, shall hold their First meetings
first meeting at noon, on the third Monday of the same January in which they are elected, or on some day thereafter at noon; 29 & 39 V., c. 51, s. 133.

SUBSEQUENT MEETINGS.

- 20 **354.** All the meetings of the council, shall be held at such Place of
meetings of
council.
place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints. 29 & 30 V., c. 51, s. 138.

- 25 **355.** Every council shall hold its ordinary meetings openly, Meetings to be
open.
and no person shall be excluded except for improper conduct. 29 & 30 V., c. 51, s. 140.

- 356.** In case there is no by-law of the council fixing the place Special may
be closed;
where held.
of meeting, any special meeting of the council shall be held at 30 the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council, expressed by resolution in writing, the public interest requires. 29 & 30 V., c. 51, s. 141.

- 357.** A majority of the whole number of members required Quorum.
35 by law to constitute the council, shall form a quorum. 29 & 30 V., c. 51, s. 142.

358. When the council consists of only five members, the con- In councils of
five three must
concur.
current votes of at least three shall be necessary to carry any resolution or other measure. 29 & 30 V., c. 51, s. 143.

- 40 **359.** Every council may adjourn its meetings from time to Adjourn-
ments.
time. 29 & 30 V., c. 51, s. 144.

WHO TO PRESIDE IN COUNCIL.

360. The head of the council shall preside at the meetings of The heads to
preside in
council.
the council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting

whenever requested in writing by a majority of the council.
29 & 30 V., c. 51, s. 145.

When reeve
or deputy
reeve to pre-
side.

361. In case of the death or absence of the head of a township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting.
29 & 30 V., c. 51, s. 146.

Absence of
heads provided
for.

362. In the absence of the head of the council, and also of the deputy reeve or deputy reeves, if there be one or more, by leave of the council, or from illness, the council may, from among the members thereof eligible to be elected head, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. 29 & 30 V., 51, s. 147.

Casual ab-
sence, provid-
ed for.

363. If the person who ought to preside at any meeting does not attend within minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29 & 30 V., c. 51, s. 148.

Head to vote,
presumitur
pro reganti, in
case of ties.

364. The head of the council, or the presiding officer or chairman of any meeting of the council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 29 & 30 V., c. 51, s. 149.

RESIGNATION OF HEADS OF COUNCIL.

Resignation of
reeves provid-
ed for.

365. Vacancies caused by the resignation of a reeve or a deputy reeve shall be filled by an ordinary election as provided by section three hundred and forty-four. 29 & 30 V., c. 52, s. 150.

OF COUNCILLORS.

Any member
may resign.

366. Any member of a council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death. 29 & 30 V., c. 51, s. 151.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

The clerk and
his duties.

367. The council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council; and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council; all which he shall so keep in his office, or in the place appointed by by-law of the council. 29 & 30 V., c. 51, s. 152.

368. Any person may inspect any of the particulars aforesaid at all seasonable times; and the clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 29 & 30 V., c. 51, s. 153.

Minutes, &c., to be open for inspection.

Copies to be furnished and charges therefor, &c.

369. The clerk shall, on or before the first day of December in each year, transmit to the Treasurer of the Province a true return of the number of resident rate-payers appearing on the revised assessment-roll of his municipality for the year, and shall accompany such return with an affidavit made before a justice of the peace verifying the same, in the following form:

Clerk to transmit a yearly return of rate-payers to the Receiver General.

"I, A. B., clerk of the corporation of the township of (as the case may be), make oath and say, that the above (or the within written, or the annexed) return, (as the case may be,) contains a true statement of the number of resident rate-payers appearing on the assessment-roll of the said township for the year one thousand eight hundred and

Oath of verification.

(Signed) A. B.

"Sworn before me, &c." 29 & 30 V., c. 51, s. 154.

370. And in case of default in any year so to transmit, the clerk shall be liable to a penalty of twenty dollars, to be paid to the Treasurer of the Province for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this Act. 29 & 30 V., c. 51, s. 155.

Penalty for default.

371. The clerk shall, in each year, within one week after the first day of January, make a return to the clerk of the county in which the municipality is situate, of the following particulars respecting his municipality for the year then last past, namely:

To make a yearly return to the county clerk.

40 Heads of columns in Assessment Rolls, to be varied according to the form of the Assessment Rolls required by law.

{	(1.)	Number of persons assessed.
	(2.)	Number of acres assessed.
	(3.)	Total actual value of real property.
	(4.)	Total of taxable incomes.
	(5.)	Total value of personal property.
	(6.)	Total amount of assessed value of real and personal property.

What such return shall shew.

45 (7.) Total amount of taxes imposed by by-laws of the municipality.

(8.) Total amount of taxes imposed by by-laws of the county council.

(9.) Total amount of taxes imposed by by-laws of any provisional county council.

50 (10.) Total amount of lunatic asylum or other Provincial tax.

(11.) Total amount of all taxes as aforesaid.

- (12.) Total amount of income collected or to be collected from assessed taxes for the use of the municipality.
- (13.) Total amount of income from licenses.
- (14.) Total amount of income from public works.
- (15.) Total amount of income from shares in incorporated 5 companies.
- (16.) Total amount of income from all other sources.
- (17.) Total amount of income from all sources.
- (18.) Total expenditure on account of roads and bridges.
- (19.) Total expenditure on account of other public works and 10 property.
- (20.) Total expenditure on account of stock held in any incorporated company.
- (21.) Total expenditure on account of schools and education, exclusive of school trustees' rates. 15
- (22.) Total expenditure on account of the support of the poor or charitable purposes.
- (23.) Total expenditure on account of debentures and interest thereon.
- (24.) Total gross expenditure on account of administration 20 of justice in all its branches.
- (25.) Amount received from government on account of administration of justice.
- (26.) Total net expenditure on account of administration of justice. 25
- (27.) Total expenditure on account of salaries, and the expenses of municipal government
- (28.) Total expenditure on all other accounts.
- (29.) Total expenditure of all kinds.
- (30.) Total amount of liabilities secured by debentures. 30
- (31.) Total amount of liabilities unsecured.
- (32.) Total liabilities of all kinds.
- (33.) Total value of real property belonging to the municipality.
- (34.) Total number of sheep worried by dogs, and the amount 35 paid therefor by the municipality.
- (35.) Total value of stock in incorporated companies owned by the municipality.
- (36.) Total amount of debts due to the municipality.
- (37.) Total amount of arrears of taxes. 40
- (38.) Balance in hands of treasurer.
- (39.) All other property owned by the municipality.
- (40.) Total assets; 29 & 30 V., c. 51, s. 156, and 31 V., c. 30, s. 23.

Moneys to be retained if returns not made.

372. The Treasurer of the County shall retain in his hands 45 any moneys payable to any municipality, if it is certified to him by the Clerk of the County that the Clerk of such city has not made the Return hereinbefore required; and the Treasurer of the Province shall retain in his hands any moneys payable to any city if it is certified to him by 50 the Secretary and Registrar of the Province that the Clerk of such city has not made the Returns hereinbefore required; and any person so required to make any Return by a particular day who fails so to do, shall be liable to a penalty of twenty dollars, to be paid to the Treasurer of the 55 Province, for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this Act. 29 & 30 V., c. 61, s. 159.

373. The Secretary and Registrar of the Province shall, as soon as may be after the commencement of every Session, lay before the Legislative Assembly a copy of all Returns hereinbefore required to be made. 29 & 30 V., c. 51, s. 160.

Provincial secretary to lay the returns before Parliament.

TREASURER.

374. Every Council shall appoint a treasurer; and every treasurer before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; provided that it shall be the duty of the Council in each and every year to enquire into the validity of the security given by such Chamberlain and report thereon. 29 & 30 V., c. 51, s. 161.

Treasurer to be appointed.
To give security.
Proviso.

375. Every treasurer shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner as the Laws of the Province and the lawful By-laws or resolutions of the Council direct; but no member of the Council shall receive any money from such treasurer for any work performed or to be performed; and such treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any By-law or resolution passed by the Council. 29 & 30 V., c. 51, s. 162.

To receive and take care of and disburse moneys, &c.
His liability limited.

376. The treasurer of every municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such city, transmit to the Board of Audit, on or before the Fifteenth day of January in every year, a Return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the city according to the then last Assessment-Roll or Rolls,—a true Account of all the Debts and Liabilities of the city for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of the municipality, as the Lieutenant Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, and in any court or any way in which debts due to the Crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove by any one witness or other evidence, that such account return information or particulars ought to have been transmitted by the defendant as alleged on the part of the Crown and the onus of proving that the same was so transmitted shall rest on the defendant; and it shall also be the duty of such treasurer to prepare and submit to the council half yearly, a correct statement of the moneys at the credit of the city; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such treasurer to draw any moneys belonging to such city. 29 & 30 V., c. 51, s. 163.

To make a return yearly to the provincial board of audit.
How attested and what it must show.

Penalty for default.
Half yearly statement for the council
Proviso.

ASSESSORS AND COLLECTORS.

377. The council shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the

Assessors and collectors, appointments

and qualifica-
tions of.

municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the side offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same property 5 qualification as that required for a councillor; the same person may be appointed assessor or collector for more than one ward, or electoral division. 29 & 30 V., c. 51, s. 164.

Assessors to
designate free-
holders and
householders
in their assess-
ment rolls.

378. The assessors shall state in their assessment rolls whether the persons named therein are freeholders, householders or tenants, and shall, in separate columns for this purpose, use the initial letters F, H or T, to signify the same respectively. 31 V., c. 30, s. 24.

Householder
defined.

379. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or 15 street by an outer door shall be deemed a householder within this Act. 20 & 30 V., c. 51, s. 166.

Collector of
provisional
council.

99. The collectors of the several townships in a junior county of a union of counties shall *ex-officio* be collectors in such townships for the provisional council, and the collectors shall pay 20 over to the provisional treasurer the money they collect under any by-law of the provisional council. 29 & 30 V., c. 51, s. 167.

Moneys to be
disposed of.

381. The money so collected shall be deemed the money of the union, so far as necessary to make the Collectors and their sureties responsible to the union therefor; and in case the 25 Corporation of the union receives the same, such Corporation shall immediately pay the amount to the Provisional Treasurer, retaining the expenses of collection. 29 & 30, V. c. 51, s. 168.

AUDITORS.

Auditors.

382. The council shall, at the first meeting thereof, in every 30 year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the Council nominates; but no one who, at such time, or during the preceding year is or was a member, or is or was clerk or chamberlain of the council, or who has, or during such preceding year had, direct- 35 ly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the township, except as auditor, shall be appointed an auditor. 29 & 30, V. c. 51, s. 169.

Disqualifica-
tion for office
of.

Duties of.

383. The auditors shall examine and report upon all accounts 40 affecting the township, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. 29 & 30, V. c. 51, s. 170.

To prepare ab-
stract and de-
tailed state-
ment of re-
ceipts and ex-
penditure, etc.

384. The auditors shall prepare an abstract of the receipts, 45 expenditures and liabilities of the township, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of 50 the clerk of the council within one month after their appointment, and thereafter any inhabitant or rate payer of the muni-

city may inspect one of such duplicate reports at all seasonable hours, and may by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. 29 & 30, V. c. 51, s. 171.

5 **385.** The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the city; and in case of charges not regulated by law, the council shall allow what is reasonable. 29 & 30, V. c. 51, s. 172. The council to audit finally, etc.

10 **386.** The clerk shall publish the auditors' abstract and report (if any) and shall also publish the detailed statement in such form as the council directs. 29 & 30 V., c. 51, s. 173. Clerk to publish abstracts and statements.

387. The council of every county may appoint two or more valuers within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the county council, but such valuers shall not exceed the powers possessed by assessors under this Act, and the valuation so made, may be made the basis of equalization by the county council for a period not exceeding five years; 29 & 30 V., c. 51, s. 175. County council may appoint valuers, their duties, etc.

SALARIES AND CONTINUANCE IN OFFICE.

388. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature or by the council, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council; 29 & 30 V., c. 51, s. 176. Salaries of Officers.

389. The chamberlain may be paid a salary or percentage; and all officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council having jurisdiction over such officers; 29 & 30 V., c. 51, s. 177. of treasurer.

OFFICIAL DECLARATIONS.

390. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

"I, A B., do solemnly declare that I am a natural born (or Form of.
"naturalized) subject of Her Majesty; and have and had to my
40 "own use and benefit in my own right (or have and had in
"right of my wife as the case may be), as proprietor (or tenant
"as the case may be) at the time of my election to the office of
"hereinafter referred to (or appointment as the
"case may require) such an estate as does qualify me to act in
45 "the office of (naming the office) for (naming the place for
"which such person has been elected or appointed) and that
"such estate is the nature of the estate to be specified as an
"equitable estate of leasehold or otherwise as the case may require, and if land, the same to be designated by its local

"description, rents or otherwise), and that such estate at the
 "time of my election (or appointment as the case may require),
 "was of the value of at least (specifying the value) over and
 "above all charges, liens and incumbrances affecting the same."
 29 & 30 V., c. 51, s. 178.

5

Declaration of
 office.

391. Every returning officer and returning officer's clerk,
 every councillor, every clerk, assessor, collector, constable
 and other officer appointed by a council, shall also, before enter-
 ing on the duties of his office, make and subscribe a solemn
 declaration to the effect following:

10

Form.

"I, A. B., do solemnly promise and declare, that I will truly,
 "faithfully and impartially, to the best of my knowledge and
 "ability, execute the office of (*inserting the name of the office*)
 "to which I have been elected (*or appointed*) in this city
 "and that I have not received and will not receive any pay- 15
 "ment or reward, or promise of such, for the exercise of any
 "partiality or malversation or other undue execution of the
 "said office, and that I have not by myself or partner, either
 "directly or indirectly, any interest in any contract with or on
 "behalf of the corporation." 29 & 30 V. c. 51 s. 179.

20

Denial of dis-
 qualifying in-
 terest, who to
 take.

392. The solemn declaration to be made by every mayor
 and alderman, shall also state that he has not by himself or his
 partner an interest in any contract with or on behalf of the
 corporation. 29 & 30 V. c. 51 s. 180.

Auditor's de-
 claration.

393. The solemn declaration to be made by every auditor 25
 shall be as follows:

Form of

"I, A. B., having been appointed to the office of auditor for
 "the municipal corporation of ; do hereby promise and
 "declare that I will faithfully perform the duties of such office
 "according to the best of my judgment and ability; and I do 30
 "solemnly declare, that I had not directly or indirectly any
 "share or interest whatever in any contract or employment
 "(*except that of auditor, if re-appointed*) with, by or on be-
 "half of such municipal corporation, during the year preceding
 "my appointment, and that I have not any contract or employ- 35
 "ment (*except that of auditor, if re-appointed*) for the present
 "year." 29 & 30, V. c. 51, s. 181.

Heads and oth-
 er members of
 the Council
 before whom
 to declare.

394. The head and other members of the council and the
 subordinate officers of the municipality, shall make the de-
 claration of office and qualification before some court, judge, 40
 police magistrate or other justice of the peace having jurisdic-
 tion in the municipality for which such head, members or
 officers have been elected or appointed, or before the clerk of
 the municipality, 29 & 30, V. c. 51, s. 182.

Certificate of
 declaration.

395. The court, judge or other person before whom such 45
 declarations are made, shall give the necessary certificate of the
 same having been duly made and subscribed. 29 & 30, V. c.
 51, s. 183.

Head of coun-
 cil and reeves
 may adminis-
 ter oath, &c.

396. The head of any council, any alderman, any justice
 of the peace and clerk of a municipality, may, within the 50
 municipality, administer any oath, affirmation or declaration
 under this Act, relating to the business of the place in which

he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration. 29 & 20 V., c. 51, s. 184.

397. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 29 & 30 V., c. 51, s. 185. Oath and declaration to be subscribed and kept.

398. Every qualified person duly elected or appointed to be a mayor, alderman, assessor or collector of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who, upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more justices of the peace under and subject to the Consolidated Act of Canada respecting the duties of justices of the peace out of sessions, in relation to summary convictions and orders, forfeit not more than eighty dollars nor less than eight dollars, at the discretion of such justices, to the use of the municipality, together with the cost of prosecution. 29 & 30 V., c. 51, s. 186. Penalty for refusing to accept office and take the oath, &c.

How enforced.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

399. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the township; and no such person or officer shall refuse or fail to deliver up or pay over the same respectively to the township, or to any person authorized by the council to demand them, but nothing herein shall affect any remedy of the corporation or of any other person against the offender or his sureties, or any other party. 29 & 30 V., c. 51, s. 187. Embezzlement by municipal officers.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

400. No person shall unlawfully or maliciously, either by violence or stealth, take from any deputy returning officer or poll clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroy, injure or obliterate, or cause to be wilfully or maliciously destroyed, injured or obliterated, or make any erasure, addition of names or interlineation of names into or upon, or aid, counsel or assist in so taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon, any writ of election or any return to a writ of election, or any indenture, poll book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections. 29 & 30 V., c. 51, s. 188. Stealing or destroying &c., certain documents relating to municipal elections.

JURISDICTION OF THE COUNCIL.

Local jurisdiction of councils.

401. The jurisdiction of the council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given, and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for. 29 & 30 V., c. 51, s. 190.

5

General power to make local regulations.

402. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council,—the conduct of its members,—and the appointing or calling of special meetings of the council; and generally, such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 29 & 30 V., c. 51, s. 191.

To regulate meetings and proceedings.

To appeal or alter by laws.

BY-LAWS OF THE COUNCIL.

HOW AUTHENTICATED.

How by laws to be authenticated.

403. Every by-law of the council shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 29 & 30 V., c. 51, s. 192.

Certified copies to be evidence.

404. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures, have been forged. 29 & 30 V., c. 51, s. 193.

OPPOSITION TO BY RATE-PAYERS.

Opposition to by-laws applied for by ratepayers: provision for.

405. In case any person rated on the assessment-roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend, in person or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 29 & 30 V., c. 51, s. 194.

When by-laws shall not pass.

406. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite

amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 29 & 30 V., c. 51, s. 195.

PROCEEDINGS WHEN THE ASSENT OF THE ELECTORS IS REQUIRED.

- 5 **407.** In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for. 29 & 30 V., c. 51, s. 196. If a by-law requires the assent of the electors.

- (1.) The council shall by the by-law fix the day, hour and place for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for; 29 & 30 V., c. 61, s. 196, sub-s. 1. Time and place of voting shall be fixed by by-law.

- (2.) The council shall, for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the by-law at four or more of the most public places in the municipality; 29 & 30 V., c. 51, sub-s. 2. Proposed by-law to be published.

- (3.) Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication, in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors; 29 & 30 V., c. 51, s. 196, sub-s. 3. Notice to be given.

- (4.) At such day and hour a poll shall be taken and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a municipal election; 29 & 30 V., c. 51, s. 196, sub-s. 4. Poll.

- (5.) Every returning officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration in writing under his hand thereto annexed to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to the clerk of the county council, every poll-book so delivered to him; 29 & 30 V., c. 51, s. 196, sub-s. 5. Verified poll-book to be returned.

- (6.) The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll books among the records of his office; 29 & 30 V., c. 51, s. 196, sub-s. 6. Clerk to sum up and declare result.

WHAT FREEHOLDER MAY VOTE ON A BY-LAW.

What freeholder may vote on a by-law.

408. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or a naturalized subject of Her Majesty, and has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders; and is at the time of tender of the vote a freeholder, either at law or in equity, in his own right, or in right of his wife, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named, or purported to be named in the list of electors; Provided always that in case of a new municipality in which there has not been any assessment roll, the qualification of nomination on such list and of rating on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he be also a resident of the municipality at the time of tender of his vote, and has at such time sufficient property to have entitled him to vote if he had been rated for such property, and at such time name such property to the returning officer. The returning officer shall note such property in his poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. 29 & 30 V., c. 51, s. 196, sub-s. 7.

WHAT LEASEHOLDER MAY VOTE ON A BY-LAW.

What leaseholder may vote on a by-law.

409. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken, for one month next before the vote, and who is, or whose wife is, a leaseholder within such municipality, which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of nomination on such list and of rating on the roll, and of residence for one month, shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he be at the time of tender of his vote a resident of the municipality and then has sufficient property to have entitled him to vote if he had been rated for such property, and at such time name such property to the returning officer; the returning officer shall note such property in his poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10, 46, 47.

OATH BY FREEHOLDER ON A BY-LAW.

410. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own right, (or in right of his wife, as the case may require), within the municipality for which the vote is taken; that he has not voted before on the by-law in the township or ward (as the case may be) in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors; (or in case of a new municipality) in which there has not been any assessment roll, then instead of referring to being named in the list of Electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality; and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, ss. 196, 77, 101, sub-s. 8; 31 V., c. 30, s. 47. See also 31 V., c. 30, ss. 9, 46, and ss. of this Act.

Oath required of rate-payer, offering to vote in respect of freehold.

OATH BY A LEASEHOLDER ON A BY-LAW.

411. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next before the vote; that he (or his wife, as the case may require), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes; that he has not before voted on the by-law in the ward (as the case may be) in which he is voting; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, in the list of electors; (or in case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named on the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality) and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8. See also 31 V., c. 30, ss. 9, 10, 46, 47, and sections of this Act.

Oath required of ratepayer offering to vote in respect of leasehold.

WHEN REQUIRING THE ASSENT OF THE LIEUTENANT-GOVERNOR
IN COUNCIL.

When the assent of the Lieutenant-Governor is required to by-laws.

412. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the Treasurer and Clerk thereof and by such other persons and on 5 such other evidence as to the Lieutenant-Governor in council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Lieutenant-Governor in council will accept. 29 & 30, V. c. 51, s. 197. 10

WHEN AND HOW QUASHED.

By-laws how to proceed in order to quash

413. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under 15 the corporate seal, and shews, by affidavit, that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court, after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part 20 for illegality, and according to the result of the application, award costs for or against the corporation; Provided always, that no application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within 25 one year from the passing of such by-law, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of such electors or rate-payers, and in such case an application to quash such by-law may be made at any time. 29 & 30 30 V., c. 51, s. 198.

Proviso; time within which application must be made.

WHEN CONFIRMED BY PROMULGATION.

Time after which by-law cannot be quashed, if properly promulgated.

414. In case a by-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the by-law shall be entertained after six months have elapsed since the promulgation. 29 & 30 V., c. 51, 35 s. 199.

What shall be such promulgation.

415. Every special promulgation of a by-law within the meaning of this Act shall consist in the publication, through the public Press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto 40 of the time limited by law for applications to the courts to quash the same or any part thereof. 29 & 30 V., c. 51, s. 200.

And if the by-law imposes any rate.

416. In the case of a by-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of the by-law with such notice as aforesaid, or in lieu thereof by 45 such publication of a notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in

the preceding two sections, shall be in each public newspaper published weekly or oftener within the municipality; or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest the municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper. 29 & 30 V., c. 51, s. 201.

417. The notice to be appended to every copy of a by-law for the purpose aforesaid, shall be to the effect following : Notice to be given.

10 "NOTICE.—The above is a true copy of a by-law passed by the municipal council of the Township of A, in the county of B, one of the united counties of B, C and D (*or as the case may be*) on the day of , 18 , and (*where the approval of the Lieutenant Governor in Council is by law required to give effect to such by-law*) approved by the Lieutenant Governor in council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk."

29 & 30 V., c. 51, s. 202.

418. The notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law, for the purpose aforesaid, shall be to the effect following : Notice setting forth the rate, and substance of by-law.

"Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, to wit :

Notice is hereby given, that a by-law, intituled, (*set out the title*) and numbered (*give the number by which the by-law is designated,*) was on the day of , 18 , passed by the municipal council of the Township of A, in the county of B, one of the united counties of B, C and D, in Ontario, for the purpose of (*here set out in substance the object of the by-law*) as "raising the necessary funds to meet the general public expenses of the Township of for the year 18 , or "for the purpose of raising and contracting for a loan of dollars, for making and macadamizing a road from to " (*or otherwise, as the case may be*) and, (*where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law*), approved by the Lieutenant-Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six calendar months at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here*

name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk."

29 & 30, V. c. 51, s. 203.

5

If not moved
against, with-
in the time
limited to be
valid.

419. In case no application to quash any by-law, be made within the time limited for that purpose, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, as far as the same ordains, pre-cribes or directs anything within the proper competence of the 10 council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 29 & 30 V.c. 51, s. 204.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

Liability of
municipality
for acts done
under a by-
law afterwards
quashed.

420. In case a by-law, order or resolution be illegal in 15 whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the in- 20 tention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 29 & 30, V. c. 51, s. 205.

TENDER OF AMENDS BY.

Tender of
amends.

421. In case the corporation tenders amends to the plaintiff 25 or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29 & 30, 30 V. c. 51, s. 206.

OFFENCES AGAINST BY-LAWS.

Offences
against by-
laws.

422. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law, illegally attempting to repeal such first mentioned by- 35 law, or to alter the same so as to diminish the amount to be levied under it; 29 & 30 V., c. 51, s. 207.

Jurisdiction to
try offences.

423. In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the 40 locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence: 29 & 30 V., c. 41, s. 208.

Summary pro-
ceedings.

Evidence.

424. The justice or other authority before whom a prosecu- 45 tion is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit with

Penalty and
costs.

the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender : 29 & 30 V., c. 51, s. 209.

425. In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up house, for the term or some part thereof, specified in the by-law : 29 & 30 V., c. 51, s. 210.

426. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the corporation, unless the prosecution is brought in the name of the corporation, and in that case the whole of the pecuniary penalty shall be paid to the corporation : 29 & 30 V., c. 51, s. 211.

DEBENTURES. &c.

HOW TO BE MADE.

427. All debentures and other specialities duly authorized to be executed on behalf of the corporation of a municipality shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law, is properly applied to the payment of the interest and principal of such debentures. 29 & 30 V., c. 51, s. 213.

TRANSFERABLE BY DELIVERY, &c.

428. Any debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any municipal corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 214.

429. Any debenture issued as aforesaid and made payable to any person or order, shall, (after the endorsement thereof in blank, by such person,) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 215.

430. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debenture, (alleging the endorsement in blank, if any) and shortly to state

its legal effect and purport, and to make proof accordingly. 29 & 30 V., c. 51, s. 216.

Full amount recoverable though negotiated at interest exceeding 6 per cent or below par.

431. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon. 29 & 30 V., c. 51, s. 217.

RESTRICTIONS UPON COUNCILS.

Restriction on council as to banking, issuing bills, bonds, etc.

432. No council shall unless specially authorized so to do, 10 make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void. Provided always that nothing herein contained, shall be construed to 15 affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, 20 and chaptered fifty-one, which enacts that "no council shall act as bankers or issue any bond, bill, note, debenture or other undertaking of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie or to pass as money; and any 25 bond, bill, note, debenture or other undertaking issued in contravention of the said section two hundred and eighteen shall be void: and that in case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange, any bond, bill, note, debenture or under- 30 taking of any kind, or in any form in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor: and that no council shall have power to give any person an 35 exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on an person exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with 40 any regulations in regard to such trade or calling;" 29 & 30 V., c. 51, ss. 218, 219 and 220.

To issue bank note contrary to this Act, a misdemeanor,

Granting monopolies prohibited.

Except as to certain Ferries.

433. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion 45 of Canada and any British or foreign country, or between two Provinces of the said Dominion; 29 & 30 V., c. 51, s. 221; see the B. N. A. Act, 1867, s. 91, sub-s. 13.

Contracts by members with the corporation void in law, if void in equity.

434. In case a member of the council of the municipality, either in his own name, or in the name of another, and either 50 alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void in equity, the same contract, purchase, or sale, shall also be held void in any

action at law thereon against the corporation; 29 & 30 V., c. 51, s. 222.

COST OF MANDAMUS.

435. Upon any application for a writ of *mandamus* for or against the corporation of the municipality, the courts may, in their discretion, grant and refuse costs. 29 & 30 V., c. 51, s. 223. Costs of mandamus.

EXECUTION AGAINST THE CORPORATION.

436. Any writ of execution against the corporation of the municipality, may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following: 29 & 30 V., c. 51, s. 224. Proceedings on writs of execution against municipalities.

(1.) The sheriff shall deliver a copy of the writ and endorsed ment to the treasurer, or leave such copy at the office or dwelling house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service; 29 & 30 V., c. 51, s. 224, sub-s. 1. Sheriff to deliver statement to Treasurer.

(2.) In case the amount with interest thereon from the day mentioned in the statement, be not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls, of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's per centage, up to the time when such rate will probably be available; 29 & 30 V., c. 51, s. 224, sub-s. 2. If not paid a rate to be struck.

(3.) The sheriff shall thereupon issue a precept or precepts under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates: 29 & 30 V., c. 51, s. 224, sub-s. 3. Sheriff's precept to levy.

(4.) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A. B., vs. The Township of" (as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage; 29 & 30 V., c. 51, s. 224, sub-s. 4. Who to collect rate.

Surplus.

(5.) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation; 29 & 30 V., c. 51, s. 224, sub-s. 5.

Clerk, assessors and collector to be officers of the court from which writ issues.

(6.) The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them; 29 & 30 V., c. 51, s. 224, sub-s. 6.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited.

If such aggregate be not sufficient to pay all debts payable within the year.

437. The council shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; unless and except only in those cases, and as heretofore specially authorized in that behalf: Provided always that nothing herein contained shall be construed to affect so much of the provisions of section two hundred and twenty-five of the Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of her present Majesty and chaptered fifty-one, which enacts that if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and principle of the debts contracted by such municipality at the time of passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but should contract no further debts until the annual rates required to be levied within such municipality were reduced within the aggregate rate aforesaid. 29 & 30 V., c. 51, s. 225.

Manufacturing establishment to be exempted.

438. Every municipality shall have power of exempting any manufacturing establishment from taxation for any period not longer than five years. 33 V., c. 26, s. 15.

BY-LAWS TO CREATE DEBTS, ETC.

By-laws for creating debt.

439. Every council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions: 29 & 30 V., c. 51, s. 226.

Terms of, when to take effect.

(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which

the same is passed, when the by-law shall take effect; 29 & 30 V., c. 51, s. 226, sub-s. 1.

(2.) If not contracted for gas or water works, or for the purchase of public works, according to this act or other acts relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect; 29 & 30 V., c. 51, s. 226, sub-s. 2.

When debt to be redeemed.
If for gas works, etc.

(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest; 29 & 30 V., c. 51, s. 226 sub-s. 3.

To provide a yearly rate.

(4.) Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable; 29 & 30 V., c. 51, s. 226, sub-s. 4.

To be sufficient in amount.

(5.) The amount of ratable property shall be ascertained irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof; 29 & 30 V., c. 51, s. 226, sub-s. 5.

Irrespective of future increase.

(6.) The by-law shall recite: (1.) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (3.) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment rolls; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately and how much (if any) interest is in arrears; and, (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act. 29 & 30 V., c. 51, s. 226, sub-s. 6.

Recitals in: amount and object of debt; the yearly rate for the debt; the value of ratable property; the yearly rate for sinking fund and interest.

440. Every by-law (except for drainage as provided for under the section of this Act) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the four hundred and seventh section of this Act. 29 & 30 V., c. 51, s. 227.

To be assented to by the rate-payers.
Exception for drainage.

PURCHASE OF PUBLIC WORKS.

441. Any council may contract a debt to Her Majesty, in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging

Municipal council may

purchase public works, and contract debts without imposing a yearly rate as provided in the three last sections.

to this Province or the Dominion of Canada; and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid although no special or other rate per annum has been settled or imposed to be levied in each year, as provided by sections four hundred and thirty-nine and four hundred and forty of this Act; 29 & 30 V., c. 51, s. 229; see C. A. 31 V., c. 12, s.s. 54, 55, 56, 57.

Rates may be imposed for the payment of debts contracted with the crown for such works.

(1.) But any council may in any by-law to be passed for the creation of any such debt, or for the executing any such bonds, deeds, covenants or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-law shall be valid, although the rate settled or imposed thereby be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 29 & 30 V., c. 51, s. 229, sub-sec. 2.

Purchase of claims due government.

(2.) The council purchasing any claim under chapter seven of the consolidated statutes for Upper Canada, respecting the sale and purchase of claims due to government for moneys advanced to public works, may raise by assessment the sum necessary to pay the consideration agreed upon. 29 & 30 V., c. 51, s. 229, sub-sec. 3.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

Two special accounts to be kept; 1. of the special rates; 2. of the sinking fund.

442. Every council shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 29 & 30 V., c. 51, s. 230.

When surplus to be carried to the sinking fund account.

443. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account of such debt. 29 & 30 V., c. 51, s. 231.

HOW SURPLUS TO BE INVESTED.

- 444.** Every council shall, from time to time, invest in government securities, or otherwise, as the Lieutenant-Governor in council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof as cannot be immediately applied towards paying the debt by the reason of no part thereof being yet payable; and the council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the special rate to be applied, but the Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. 29 & 30 V., c. 51, s. 232.
- How surplus to be disposed of.*
- Investment, how to be made.*
- Application of moneys, with consent of Governor in Council.*

APPROPRIATION OF SURPLUS.

- 445.** The council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt. 29 & 30 V. c. 51, s. 233.
- Council may apply other funds towards such debts.*

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

- 446.** When part only of a sum of money provided by a by-law has been raised, the council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. 29 & 30 V. c. 51, s. 234.
- When part only of a debt has been incurred the by-law may be repealed pro tanto.*
- 447.** After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the corporation treasury which, not having been previously otherwise
- By-laws not repealable, and appropriations not recoverable till debt paid.*

appropriated by any by-law or resolution, has been directed to be applied to such payment. 29 & 30 V., c 51, s. 235.

WHEN SPECIAL RATE MAY BE REDUCED.

When the rate imposed by by-law may be reduced by by-law.

448. In case in any particular year, one or more of the following sources of revenue, namely: (1.) The sum raised by the special rate imposed for the payment of a debt, and collected for 5 any particular year; and (2.) The sum on hand from previous years; and (3.) Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and (4.) Any sum derived from the temporary investment of the sinking 10 fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt 15 for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised 20 as a special rate. 29 & 30 V., c. 51, s. 236.

Recitals requisite in such by-law.

449. But the by-law shall not be valid unless it recites:—

(1.) The amount of the special rate imposed by the original by-law;

(2.) The balance of such rate for the particular year or on hand 25 from former years;

(3.) The surplus income of the work, share or interest therein received for such year; and

(4.) The amount derived for such year from any temporary investment of the sinking fund— 30

Reduced rate to be named.

To be approved of by the Lieutenant Governor.

Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law—Nor unless the by-law be afterwards approved by the Lieutenant-Governor in Council. 29 & 30 V., c. 51, s. 237.

ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations may be made.

450. In case any council desires to make an anticipatory 35 appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following: 29 & 30 V., c. 51, s. 238.

What funds may be so appropriated.

(1.) The council may carry to the credit of the sinking fund 40 account of the debt, as much as may be necessary for the purpose aforesaid;

(a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made; 45

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise :

(c.) And of any money derived from any temporary investment of the sinking fund ;

5 (d.) And of any surplus money derived from any corporation work or any share or interest therein ;

(e.) And of any unappropriated money in the treasury ;

Such moneys respectively not having been otherwise appropriated ; 29 & 30 V., c. 51, s. 238, sub-s. 1.

10 (2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year ; 29 & 30 V., c. 51, s. 238, sub-s. 2. The sources to be distinguished.

15 (3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that
20 the original rate for such next ensuing year be not levied. 29 & 30 V., c. 51, s. 238, sub-s. 3. When sufficient the yearly rate may be suspended for the future year

451. The by-law shall not be valid unless it recites :

By-law must recite.

(1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created ; 29 & 30
25 V., c. 56, s. 239, sub-s. 1. The original debt.

(2.) The amount, if any, already paid of the debt ; 29 & 30
V., c. 51, s. 239, sub-s. 2. The amount paid.

(3.) The annual amount of the sinking fund appropriation required in respect of such debt ; 29 & 30 V., s. 239, sub-s. 3. The amount of sinking fund yearly.

30 (4.) The total amount then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ; 29 & 30 V., c. 51, s. 239, sub-s. 4. The amount in hand.

(5.) The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation ; 29 & 30 V., c. 51, s. 239, sub-s. 5. The amount required for next year's interest.

(6.) That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it,) and that the council has
40 carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year ; 29 & 30 V., c. 51, s. 239, sub-s. 6. And that it is reserved.

(7.) No such by law shall be valid unless approved by the Lieutenant-Governor in council ; 29 & 30 V., c. 51, s. 239, sub-s.
45 7. By-laws to be approved of by Lieutenant-Governor.

After dissolution of a union, the senior municipality may relieve the junior by an anticipatory appropriation.

452. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. 29 & 30 V., c. 51, s. 240. 5

REPORT OF DEBTS TO BE MADE YEARLY.

Every council to make a yearly report of the state of the debts to the Lieutenant Governor, etc.

453. Every council shall, on or before the thirty-first day of January in each year, transmit to the Lieutenant-governor, through the Secretary and Registrar of the province, an account of the several debts of the corporation, as they stood on the thirty-first of December preceding, specifying in regard to every 10 debt of which a balance remained due at that day: 29 & 30 V., s. 241.

What such report must show.

- (1.) The original amount of the debt ;
- (2.) The date when it was contracted ;
- (3.) The days fixed for its payment ; 15
- (4.) The interest to be paid therefor ;
- (5.) The rate provided for the redemption of the debt and interest ;
- (6.) The proceeds of such rate for the year ending on such thirty-first day of December ; 20
- (7.) The portion (if any) redeemed of the debt during such year ;
- (8.) The amount of interest (if any) unpaid on such last mentioned day ; and
- (9.) The balance still due of the principal of the debt. 25

Lieut. Governor may prescribe a form of account.

454. The form of the account may from time to time be prescribed by the Lieutenant-Governor in council. 29 & 30 V., c. 51, s. 242.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

When a commission of enquiry may issue.

455. In case one-third of the members of any council petition for a commission to issue under the great seal, to inquire 30 into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Lieutenant-Governor in council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same 35 power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases. 29 & 30 V., c. 51, s. 243.

Expenses of such commission provided for.

456. The expenses to be allowed for executing the commission shall be determined and certified by the Secretary and Registrar of the province, or his deputy, and shall become thenceforth a debt due to the commissioner or commissioners by the 40

corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the treasurer of the corporation. 29 & 30 V., c. 51, s. 244.

BY LAWS.

POWER TO PASS BY-LAWS.

- 5 **457.** Every council, except a provisional council may pass by-laws. 29 & 30 V. c. 51, s. 246. Councils may make by-laws.

OBTAINING PROPERTY.

- (1.) For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required; 29 & 30 V., c. 51, s. 246, sub-sec. 1. For obtaining property, real and personal, &c.

APPOINTING CERTAIN OFFICERS.

- (2.) For appointing such,—

15	Pound-keepers, Fence-viewers, Overseers of Highways,	Road Surveyors, Road Commissioners, Valuators;
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—29 & 30 V., c. 51, s. 246, sub-sec. 2.

- And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendant or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendant or overseer, in the same manner as councillors are paid; and all payments before the fourth day of March, in the year one thousand eight hundred and sixty-eight, made by any municipality to any commissioner, superintendent or overseer, acting as such, are hereby declared to be legal, but this section shall not in any way effect any judgment theretofore obtained, or any suit or proceeding theretofore commenced; 31 V., c. 30, s. 25. To appoint officers.

- (3.) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; 20 & 30 V., c. 51, s. 246, sub-s. 3. To fix fees and securities.

AIDING AGRICULTURAL AND OTHER SOCIETIES.

- (4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the Municipality; 29 & 30 V., c. 51, s. 246, sub-s. 4. For aiding Agricultural societies.

CENSUS.

- Local census. (5.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality; 29 & 30 V., c. 51, s. 246, sub-s. 5.

FINES AND PENALTIES.

- Fines and penalties for neglect of duties. (6.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,— 5
- (a.) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof; and
- (b.) For breach of any of the by-laws of the corporation; 29 10 & 30 V., c. 51, s. 246, sub-s. 6.

- Levying penalties by distress. (7.) For collecting such penalties by distress and sale of the goods and chattels of the offender; 29 & 30 V., c. 51, s. 246, sub-s. 7.

- Imprisonment, when allowed, and time of. (8.) For inflicting reasonable punishment, by imprisonment 15 with or without hard labour either in a lock-up-house in some town or village in the township of the county, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, 20 and there being no distress found out of which such fine can be levied; provided that for breach of any by-law or by-laws for the suppression of houses of ill-fame, the imprisonment may be for any period, not exceeding six months, in cases of the non-payment of the costs and fines inflicted, and there being 25 no sufficient distress as aforesaid. 29 & 30 V., c. 51, s. 245, sub-s. 8.

BILLIARD TABLES.

- Licensing and regulating billiard tables. (9.) For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard-table, or who keep 30 or have a billiard table in a house or place of public entertainment or resort, whether such billiard-table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force; 29 & 30 V., c. 51, s. 264, sub-s. 1. 35

VICTUALLING HOUSE, ETC.

- Victualling houses, number and regulation of; (10.) For limiting the number of and regulating victualling houses, ordinaries, houses where fruit, oysters, clams or victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public; and 29 & 30 V., c. 51, s. 264, sub-s. 2. 40
- License and fee for same. (11.) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding twenty-dollars. 29 & 30 V., c. 51, s. 264, sub-s. 3.

PUBLIC HEALTH.

- 458.** The members of the council shall be health officers within their respective municipalities, under the Consolidated Statutes for Upper Canada, respecting the public health, and under any Act passed after this Act takes effect, or after the passing of the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, for the like purpose; but any council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best; 29 & 30 V., 51, s. 248.

Members of council to be health officers.

LAND MARKS AND BOUNDARIES.

- 459.** In case the council adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stone or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein, (as the case may be,) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 29 & 30 V., c. 51, s. 268.

Placing land marks and monuments, to mark boundaries.

Con. Stat. U. C., c. 93.

- 460.** The council may also pass by-laws: 29 & 30 V., c. 51, s. 269.

Council may pass by-laws.

PROVISIONS FOR ESTABLISHING BOUNDARIES.

- (1.) For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same: 29 & 30 V., c. 51, s. 269, sub-s. 1.

Ascertaining and marking boundaries of townships.

SCHOOLS.

- (2.) For obtaining such real property as may be required for the erection of common school houses thereon and for other common school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of common schools according to law; 29 & 30 V., c. 51, s. 269, sub-s. 2.

Acquiring land for schools, etc.

CEMETERIES.

- (3.) For accepting or purchasing land for public cemeteries, as well within as without the municipality, and for laying out,

For establishing cemeteries.

improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose; and thereupon such land, although without the municipality, shall become part 5 thereof, and shall cease to be part of the municipality to which it formerly belonged; and such by-law shall not be repealed; 29 & 30 V., c. 51, s. 269, sub-s. 3.

For selling portions thereof on limited terms.

(4.) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring 10 in the conveyance the terms on which such portions shall be held; 29 & 30 V., c. 51, s. 269, sub-s. 4,

CRUELTY TO ANIMALS.

Preventing cruelty to animals.

(5.) For preventing cruelty to animals; and for preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any statute in that behalf; 29 & 30 15 V., c. 51, s. 269, sub-s. 5.

DOGS.

Tax on dogs.

(6.) For imposing a tax on the owners, possessors or harbourers of dogs; 29 & 30 V., c. 51, s. 269, sub-s. 6.

Killing dogs.

(7.) For killing dogs running at large contrary to the by-laws; 29 & 30 V., c. 51, s. 269, sub-s. 7. 20

FENCES.

Height and kind of fences.

(8.) For settling the height and description of lawful fences; 29 & 30 V., c. 51, s. 269, sub-s. 8.

DIVISION FENCES.

Of division fences.

(9.) For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so appor- 25 tioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws be made, the Act respecting line fences and water-courses, shall continue applicable to the municipality; 29 & 30 V., c. 51, s. 269, sub-s. 9. 30

WEEDS.

Destruction of weeds.

(10.) For preventing the growth of weeds detrimental to good husbandry; 29 & 30 V., c. 51, s. 269, sub-s. 10.

EXHIBITIONS, SHOWS, &c.

Licensing public shows.

(11.) For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding and other such like shows usually exhibited by showmen, and for requiring the payment 35 of license fees for authorizing the same, not exceeding one hundred dollars for every such license, and for imposing fines upon persons infringing such by-laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition whether owned by such 40

Fines for infraction.

showman or not, or for the imprisonment of such offenders for any term not exceeding one month; Provided always, that it shall not be lawful for the council to grant licenses or license certificates to persons having exhibitions of any work or circus, riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares or merchandize of whatever description, for gain, on the days of the exhibition of the Agricultural Association of Upper Canada, or of any county, electoral division, or township agricultural society, either on the grounds of such society, or within the distance of three hundred yards from such grounds; 29 & 30 V., c. 51, s. 269, sub-s. 11.

Proviso: Licenses not to be granted for certain times and places.

GRAVES.

(12.) For preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred; 29 & 30 V., c. 51, s. 269, sub-s. 12.

Protecting graves.

INJURIES TO PUBLIC AND PRIVATE PROPERTY AND NOTICES.

(13.) For preventing the injuring or destroying of trees planted or preserved for shade or ornament; 29 & 30 V., c. 51, s. 269, sub-s. 13.

Ornamental trees.

(14.) For preventing the pulling down or defacing of sign-boards, and of printed or written notices; 29 & 30 V., c. 51, s. 29 sub-s. 14.

Signs.

(15.) For preventing persons from throwing dirt, filth, cases of animals or rubbish on any street, road, lane or highway. 31 V., c. 30, s. 36.

Dirt and filth.

GAS AND WATER.

(16.) For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit; 29 & 30 V., c. 51, s. 269 sub-s. 15.

Authorizing gas and water companies to lay down pipes, etc.

STOCK IN.

(17.) For acquiring stock in, or lending money to, any such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; Provided the by-law is consented to by the electors, as hereinbefore provided. 29 & 30 V., c. 51, s. 269 sub-s. 16.

Taking stock in gas and water companies. Proviso.

461. The head of any corporation under this Act holding stock in any such company to the amount of ten thousand dollars shall be *ex officio* a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors. 29 & 30 V., c. 51, s. 270.

Head of corporation to be a director.

INVESTMENT OF MONEYS.

462. From and after the passing of this Act, any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, shall have power, by by-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other money held

Appropriation of certain moneys for education. Investment.

by such municipal corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Government of the Dominion of Canada, or in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; provided always, that no municipal corporation shall invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. 29 & 30 V., c. 51, s. 272; 31 V., c. 30, s. 27, & 32 V., c. 43, s. 21. 15

Investments
already made.

463. And whereas several municipalities have, prior to the first day of January, in the year one thousand eight hundred and sixty-seven, invested moneys derived from the said fund and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid. 29 & 30 V., c. 51, s. 273. 20

Loans to
boards of
school trustees
by municipal-
ities.

464. Any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities' Fund, shall have power by by-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law. 29 & 30 V., c. 51, s. 275. 30

Board of
school trustees
may borrow
such moneys.

465. Any board of school trustees may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any such corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. 29 & 30 V., c. 51, s. 276. 40

Liability of
members of
corporation or
school trustees
in vesting
money other-
wise than au-
thorized by
the Act.

466. Any member of any municipal corporation or board of school trustees, who shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by this Act, or by the eleventh section of the Act respecting clergy reserves, or by any other law in that behalf made and provided, shall be held personally liable for any loss sustained by such corporation; and he is hereby forbidden under penalty of being deemed guilty of a misdemeanor from taking any such part or being any such party as aforesaid. 29 & 30 V., c. 51, s. 277. 50

Division of
townships.

467. The council may by by-law divide the same into two or more electoral divisions, and may from time to time repeal or vary the same. 29 & 30 V., c. 51, s. 278.

POOR.

- 468.** The council may also make by-laws for raising money by a rate to be assessed equally on the whole ratable property of the township for the support of the poor resident in the township, or appropriating from the general funds of the municipality a sum for such purpose. 29 & 30 V., c. 51, s. 279.

By-laws for relief of the poor, when and how they may be passed.

OBSTRUCTIONS TO STREAMS AND WATER-COURSES.

- 469.** The council may also make by-laws for preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise, and for levying the amount of such expense in the same manner as taxes are levied, and for imposing penalties on parties causing such obstructions. 29 & 30 V., c. 51, s. 280.
- 470.** Wherever a stream or creek runs through two or more townships, and the said stream or creek may have been cleared of all obstructions in one or more of said townships, it shall be the duty of the council of the adjoining township to pass a by-law for clearing or removing any obstruction in said creek or stream within its limits, and to take such proceedings as are mentioned in the foregoing section; Provided always that such by-law shall be passed and enforced on the petition of any twelve freeholders in any municipality in which any creek or stream has not been cleared. 31 V., c. 30, s. 29.

By-law for preventing obstructing of streams, etc.

Where stream runs through two or more townships.

- 471.** In case a majority in number of the resident owners as shewn by the last revised assessment roll, or a majority of the non resident owners, or a majority of all the owners of the property to be benefited in any part of the Municipality, do petition the council for the deepening of any stream, creek, or water course, or for draining of the property (describing it), the council may procure an examination to be made by an engineer or other competent person, of the stream, creek or water course proposed to be deepened, or of the property proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or person. 32 V., c. 43, s. 1, & 33 V., c. 26, s. 14.

Where majority of resident owners petition for deepening of stream, etc.; examination to be made.

- 472.** If the council be of opinion that the deepening of such stream, creek, or water course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass a by-law—32 V., c. 43, s. 2.

By-law to be passed.

- (1.) For providing for the deepening of the stream, creek or watercourse, or the draining of the locality; 32 V., c. 43, sec. 2, sub-a. 1.

For deepening stream, etc.

- (2.) For assessing and levying, in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient to include a sinking fund for the repayment of the debentures which the council is hereby authorized to issue in such cases, to provide funds for such improvement, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, as nearly as may be

For levying special rate for repayment of debentures, etc.

to the benefit derived by each lot or portion of lot and road in the locality: Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued: Provided also, that any agreement 5 on the part of any tenant to pay the rates or taxes of the demised property, shall not apply to or include the charges or assessments for draining under this Act, unless such agreement shall, in express terms, mention or refer to such charges or assessments. 32 V., c. 43, s. 2, sub-s. 2. 10

Fines and manner to be paid.

(3.) For regulating the times and manner in which the assessment shall be paid. 32 V., c. 43, s. 2, sub-s. 3.

For ascertaining what property has been benefited.

(4.) For ascertaining and determining, through the engineer or person aforesaid, what real property will be benefited by the deepening or draining, and the proportion in which the 15 assessment should be made on the various portions of lands so benefited, and subject in every case to an appeal to the council and the county court Judge. 32 V., c. 43, s. 2, sub-s. 4.

By-law requisite to be published, etc.

(5.) But the by-law shall not be valid unless, before the final passing thereof, the same has been published once or oftener in 20 every week for six weeks in some newspaper in the municipality, or, if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, 25 quashed, must make his application for that purpose to one of Her Majesty's superior courts of law at Toronto, during the term next ensuing the final passing of the by-law. 32 V., c. 43, s. 13.

Council to hold court of appeal.

(6.) The council shall, on some day not earlier than twenty 30 nor later than thirty days from the day on which the by-law was first published, hold a court of appeal, notice of which shall be published with the by-law during the first four weeks of its publication, and, in case of an appeal to the county Judge, he shall hear and determine the matter in dispute not later than 35 ten days from the day on which the council held their court of appeal. 32 V., c. 43, s. 4.

Notice to be given.

When no application to quash, etc., by-law to be valid.

(7.) In case no application to quash a by-law be made within the time limited for that purpose in the fifth sub-section of this section, the by-law, or so much thereof as is not the subject 40 of any such application, or not quashed upon such application, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 32 V., c. 43, s. 5.

When necessary engineer to continue deepening, etc.

(8.) Whenever it is necessary to continue the deepening or 45 drainage aforesaid beyond the limits of the municipality, the engineer or other competent person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deep- 50 ening or draining was commenced. 32 V., c. 43, s. 6.

When deepening benefits land in adjoining

(9.) When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced,

but, in the opinion of the engineer or other competent person
aforesaid, benefit lands in an adjoining municipality, or greatly
improve any road lying within the limit of any municipal cor-
poration or between the limits of any two or more municipal
5 corporations, then the engineer or other competent person aforesaid, shall charge the lands to be so benefited, and the municipal-
ity. corporation or corporations whose road or roads are im-
proved, with such proportion of the costs of the work as he
may deem just; and the amount so charged for roads, or agreed
10 upon by the arbitrators, shall be paid out of the general funds
of such adjoining municipality or corporation or corporations.
32 V., c. 43, s. 7.

(10.) The engineer or other competent person aforesaid, shall
determine and report to the council by which he was employed,
15 whether the deepening or drainage shall be constructed and
maintained solely at the expense of the municipality in which
commenced, or whether it shall be constructed and maintained
at the expense of such municipality and such adjoining municipal-
ity or corporation or corporations aforesaid, and in what
20 proportion. 32 V., c. 43, s. 8.

(11.) The engineer or other competent person aforesaid, when
necessary, shall make plans and specifications of the deepening
or drainage to be constructed, and charge the lands to be benefi-
fied by the work as provided herein. 32 V., c. 43, s. 9.

(12.) The council of the municipality in which the deepening
or drainage is to be commenced, shall serve the head of the
council of the municipality into which the same is to be con-
tinued, or whose lands or roads are to be benefited without the
deepening or drainage being continued, with a copy of the
30 report, plans and specifications of the engineer or other com-
petent person aforesaid, when necessary, so far as they affect such
last mentioned municipalities, and, unless the same is appealed
from as hereinafter provided, it shall be binding on the council
of such municipality. 32 V., c. 43, s. 10.

(13.) The council of such last mentioned municipalities shall
within four months from the delivery to the head of the corpo-
ration, of the engineer's or other competent person's report, as
provided in the next preceding sub-section, pass a by-law in
the same manner as if a majority of the resident or other
40 owners of the lands to be taxed had petitioned, as provided in
the of this Act, to
raise such sum as may be named in the engineer's report, or,
in case of an appeal, for such sum as may be determined by the
arbitrators. 32 V., c. 43, s. 11.

(14.) The council of the municipality into which the deepening
or drainage is to be continued, or whose lands, road or
roads are to be benefited, without the deepening or drainage
being carried within its limits, may within thirty days from the
day in which the report was served on the head of each muni-
50 cipality, appeal therefrom, in which case they shall serve the
head of the corporation from which they received the report,
with a written notice of appeal, and such notice shall state the
grounds of appeal, the name of an engineer or other person as
their arbitrator, and call upon such corporation to appoint an
55 arbitrator in the matter on their behalf, within ten days, after

- Default of service of such notice.** the service of such notice; and in default thereof, it shall be lawful for the council of the municipality appealing therefrom, to appoint such second arbitrator; and the two arbitrators so appointed shall forthwith appoint a third arbitrator; in the matter: Provided always, that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator. 32 V., c. 43, s. 12
- Arbitrators to be appointed.** (15.) If, after the arbitrators have been appointed as aforesaid they fail or neglect for the space of six days, to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above provided, appoint a third arbitrator. 32 V., c. 43, s. 13.
- Failure of arbitrators to appoint third arbitrator.** (16.) The arbitrators before proceeding to try the matter of the arbitration shall take and subscribe the following oath (or, in case of those who affirm, make and subscribe the following affirmation) before any Justice of the Peace: "I, A. B., do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, and my skill and knowledge; so help me God;" which oath or affirmation shall be filed with the award; 32 V., c. 43, s. 14.
- Oath to be taken by arbitrator.** (17.) The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their awards in triplicate, which shall be binding on all parties, and one, copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate; 32 V., c. 43, s. 15.
- Arbitrators to award within 10 days; to be triplicate.** (18.) In the case of difference between the arbitrators, the decision of any two of them shall be conclusive; 32 V., c. 43, s. 16.
- Decision of 2 of arbitrators to be decisive.** (19.) After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrator (as the case may be), or until otherwise determined by the engineer or arbitrators, under the same formalities as near as may be, as provided in the preceding sub-sections, to preserve maintain and keep the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or other competent person, may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled, by *mandamus* to be issued from any court of competent jurisdiction to make, from time to time, the necessary repairs to preserve and maintain the same, and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal. 32 V., c. 43, s. 17.
- Duty of municipality upon completion of work.** (20.) Should a drain already constructed, or hereafter con-
- Neglect in so doing.**
- Mandamus.**
- Drain in use**

structed, be used as an outlet, or otherwise by another municipal corporation, company or individual, such corporation, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators, under the formalities provided in the preceding sub-sections; 32 V., c. 43, s. 17.

of corporation, &c. Corporation to be assessed for construction and maintenance thereof.

ROADS, BRIDGES, DRAINS, WATER-COURSES.

WHAT CONSTITUTE HIGHWAYS.

473. All allowances made for roads by the Crown Surveyors in any town, township, or place already laid out, or hereafter laid out, and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, as existing before the Act of Union with Lower Canada, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 29 & 30 V., c. 51, s. 315.

What shall constitute highways.

HIGHWAYS VESTED IN THE CROWN.

474. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended, or laid out, according to law, shall be vested in Her Majesty, her heirs and successors. 29 & 30 V., c. 51, s. 316.

Highways, &c. Vested in crown.

JURISDICTION OF MUNICIPALITIES.

475. Subject to the exceptions and provisions hereinafter contained, every council shall have jurisdiction over the original allowances for roads, highways, and bridges within the municipality. 29 & 30 V., c. 51, s. 317.

Jurisdiction of municipal councils.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

476. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Lieutenant-Governor shall, by order in Council, have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may, by proclamation, declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 29 & 30 V., c. 51, s. 318.

Roads under Board of Works not to be interfered with.

ROADS ON ORDNANCE LANDS.

477. No council shall pass any by-law (1) for stopping up Nor ordnance

roads, lands,
&c.

or altering the direction or alignment of any street, lane, or thoroughfare made or laid out by Her Majesty's Ordinance, or the principal Secretary of State, in whom the Ordinance estates are vested under the Statute of the late Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter 5 forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordinance and Admiralty lands transferred to the Province; or (2) for opening any such communication through land held by the said principal Secretary of State; or (3) interfering with any bridge, wharf, dock, quay, 10 or other work constructed by Her Majesty's Ordinance, or the said Secretary of State; or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without a written consent signed by the principal officer of the War Department, acting in Canada under the 15 authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such principal officer and to be acting under such authority; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent, authority, and certificate. 29 & 30 V., c. 51, s. 20 319.

Unless sanctioned by the chief engineer officer, &c.

WHAT ROADS NOT TO BE CLOSED.

Council not to close road required by individuals for ingress.

478. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter or General Sessions, or any municipal council, or otherwise legally established, whereby any person will be excluded from 25 ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same. 29 & 30 V., c. 51, s. 320.

NOT TO ENCROACH UPON HOUSES, &c.

Nor to encroach upon houses, etc.

479. No council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard 30 or pleasure ground, without the written consent of the owner. 29 & 30 V., c. 51, s. 321.

WIDTH OF ROADS.

Width of roads.

480. No council shall lay out any road or lane more than ninety or less than thirty feet in width; but any road, when altered, may be of the same width as formerly. 29 & 30 V., c. 35 51, s. 322.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

What notice to be given of by-laws intended to affect public roads.

481. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street, 40 or lane; 29 & 30 V., c. 51, s. 323.

Publication.

(1.) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street, or other highway, road, street or 45 lane; 29 & 30 V., c. 51, s. 323, sub-s. 1.

(2.) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; 29 & 30 V., c. 51, s. 323, sub-s. 2. The same:

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard; 29 & 30 V., c. 51, s. 323, sub-s. 3. Parties to be heard.

10 (4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices; 29 & 30 V., c. 51, s. 323, sub-s. 4. Clerk to give notice.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &c.

15 **482.** In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of, and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 29 & 30 V., c. 51, s. 324. Powers to administer oaths in disputes respecting boundaries.

COMPENSATION FOR LANDS TAKEN.

483. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29 & 30 V., c. 51, s. 325. Owners of lands taken to be compensated.

TITLES TO LAND OF INFANTS, &c., HOW ACQUIRED.

30 **484.** In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent; corporations, tenants in tale or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women and others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof: in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this province, or is unknown, or in case his residence is unknown, or he himself cannot be found, Title of lands taken.

35 **485.** the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29 & 30 V., c. 51, s. 326. If there be no party who can convey.

- Where a party has a life interest only.** **485.** In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the court of chancery or other court having equitable jurisdiction in such cases, do in the meantime direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court. 29 & 30, V., c. 51, s. 327. 5
- Sum awarded, how to be applied.** **486.** All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29 & 30 V., c. 51, s. 328. 15
- Charges on the purchase money.**

JOINT JURISDICTION OVER ROADS.

- Joint jurisdiction over certain roads.** **487.** In case a road lies wholly or partly between a county, town, city, township or incorporated village, and an adjoining county, or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8. 20
- Both councils must concur in by-laws affecting them.** **488.** No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9. 25
- Arbitration if they do not concur.** **489.** In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10. 30

POWERS RESPECTING ROADS, BRIDGES AND WORKS.

- 490.** The council may also pass by-laws: 35

STATUTE LABOUR.

- By-laws respecting statute labor and voluntary commutation.** (1.) For empowering any person (resident or non-resident) liable to statute labour within the municipality to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour. 29 & 30 V., c. 51, s. 332, sub-s. 1. 40
- Compulsory commutation.** (2.) For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour. 29 & 30 V., c. 51, s. 332, sub-s. 2.
- Fixing number of days' labour.** (3.) For increasing or reducing the number of day's labour to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are 45

assessed, or otherwise respectively liable. 29 & 30 V., c. 51, s. 332, sub-s. 3.

(4.) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law. 29 & 30 V., c. 51, s. 332, sub-s. 4. Enforcing statute labour.

(5.) For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. 29 & 30 V., c. 51, s. 332, sub-s. 5. Regulating the application of labour and commutation money.

GENERAL POWERS AS TO ROADS, &C.

(1.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained. 29 & 30 V., c. 51, s. 333, sub-s. 1. By-laws respecting roads.

TOLLS.

(2.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same. 29 & 30 V., c. 51, s. 333, sub-s. 2. To raise money by toll.

FAST DRIVING ON BRIDGES.

(3.) For regulating the driving and riding on public bridges. 29 & 30 V., c. 51, s. 333, sub-s. 3. To regulate driving on bridges.

PITS AND PRECIPICES.

(4.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers. 29 & 30 V., c. 51, s. 333, sub-s. 4. To make regulations as to pits, etc.

ROAD ALLOWANCES.

(5.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road; 29 & 30 V., c. 51, s. 333, sub-s. 5. For preservation of trees, stone, etc.

(6.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which, compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price; 29 & 30 V., c. 51, s. 333, sub-s. 6. When the council may stop up or sell a road allowance.

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &C.

(7.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or Granting privileges to road

or bridge
companies.

bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; 29 & 30 V., c. 51, s. 333, sub-s. 7.

TAKING STOCK IN.

Taking stock
in or making
loans to such
companies.

(8.) For taking stock in, or lending money to, any such incorporated road or bridge company, under and subject to the respective statutes in that behalf; 29 & 30 V., c. 51, s. 333, sub-s. 8.

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TOLLS ON, MAY BE GRANTED.

Granting right
to take tolls,
when

(9.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair; 29 & 30 V., c. 51, s. 333, sub-s. 9.

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TAKING MATERIALS.

Searching for
and taking
materials.

(10.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act; 29 & 30 V., c. 51, s. 333, sub-s. 10.

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OLD ROAD ALLOWANCES.

When a road is
substituted for
an original al-
lowance.

491. In case any one in possession of a concession road or side line, has laid out and opened a road or street in place thereof, without receiving compensation therefor; or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out; and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof, to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the

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Conveying of
former road
allowance.

Compensation
to party
whose land is
taken.

corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes. 29 & 30 V., c. 51, s. 334.

POSSESSION OF ROAD ALLOWANCES.

492. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof; or be in possession of any Government allowance for road, parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29 & 30 V., c. 51, s. 335.

Original allowance for roads when to be deemed legally possessed, till a by-law is passed for opening them.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

493. But no such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29 & 30 V., c. 51, s. 336.

By-laws for opening, etc., roads, etc., to require notice.

COUNTIES AIDING TOWNSHIPS IN MAKING ROADS, &C.

494. The council of every county may pass by-laws for granting to any township in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the township, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work; 29 & 30 V., c. 51, s. 344 sub-s. 8.

By-laws for aiding in making roads, bridges, etc.

AID IN MAKING ROADS AND BRIDGES.

495. The council of every township may pass by-laws; 29 & 30 V., c. 51, s. 337.

By-laws

(1) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality. 29 & 30 V., c. 51, s. 337, sub-s. 1.

For aiding in making roads, bridges, etc.

(2) For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 29 & 30 V., c. 51, s. 337, sub-s. 2.

Joint work with other municipalities.

(3) The council of any municipal corporation may pass by-laws for granting aid to any adjoining municipal corporation in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through any adjoining municipality. 32 V., c. 43, s. 20.

For granting aid to any adjoining municipality.

AIDING COUNTIES IN MAKING ROADS.

(4) For granting to any adjoining county aid in making

Aiding coun-

ties in making opening, maintaining, widening, raising, lowering or otherwise roads. improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid to the county in which the township lies in respect of any highway, road, street bridge or communication within the township assumed by the county as a county work, or agreed to be so assumed on condition of such grant; 29 & 30 V., c. 51, s. 345, sub-s. 1. 5

HIGHWAYS.

Public roads in townships, how far vested in municipalities. **496.** Every public road, street, bridge or other highway in a city shall be vested in the municipal corporation thereof subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession, or other road within the town taken and held possession of by an individual in lieu of a street, road or highway, laid out by him without compensation therefor. 29 & 30 V., c. 51, s. 338. 10 15

To be kept in repair by corporation on pain of damages. **497.** Every such road, street, bridge and highway shall be kept in repair by the corporation, and the corporation shall be civilly responsible for all damages sustained by any person by reason of default to keep in repair, but the action must be brought within three months after the damages have been sustained; and this section shall not apply to any road, street, bridge or highway laid out without the consent of the corporation by by-law, until established and assumed by by-law. 29 & 30 V., c. 51, s. 339. 20 25

JURISDICTION OVER ROADS.—WHAT ROADS.

Exclusive jurisdiction over certain roads by counties. **498.** The county council shall have exclusive jurisdiction over all roads and bridges, lying within any township of the county and which the council by by-law assumes as a county road or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county; and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie, wholly or in part, within one township. 29 & 30 V., c. 51, s. 341. 30

TOWNSHIP BOUNDARY LINES.

To be opened etc., by township councils. (1.) All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils. 29 & 30 V., c. 51, s. 341, sub-s. 1. 35

If any council fails to perform its duty. (2.) Whenever township councils fail to maintain such roads in the same way as other township roads by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. 29 & 30 V., c. 51, s. 341, sub-s. 2. 40

If all the councils fail. (3.) In cases where all the township council interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the county council to en- 45

force the opening up or repair of such lines of road by the township councils interested. 29 & 30 V., c. 51, s. 341, sub-s. 3.

- (4.) A county council receiving such petition, either from township councils or from ratepayers, as in the preceding sub-section mentioned, may consider and act upon the same at the session at which the petition is presented; the county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairs of such lines of road, or may direct the expenditure of a certain proportion of statute labour, or both, as may seem necessary to make the said lines of road equal to other local roads; 29 & 30 V., c. 51, s. 341, sub-s. 4, and 33 V., 26, s. 16.

Duty of county council on petition.

Amount to be furnished by each township.

- (5.) It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads; provided always, that if the representatives of any or all of the townships interested shall intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then such commissioner or commissioners shall delay proceedings for a reasonable time; but if the work be not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves; 29 & 30 V., c. 51, s. 341, sub-s. 5.

Commissioner to enforce order of county council as to such roads.

Proviso.

- (6.) Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township; but if there be not at any time before the striking of a county rate any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances; 29 & 30 V., c. 51, s. 341, sub-s. 6.

Payments to be made by township councils.

- (7.) Township boundary line roads forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same; 29 & 30 V., c. 51, s. 341, sub-s. 7.

Township boundaries being also county boundaries.

- (8.) Whenever the several townships interested in the whole or part of any line road, are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the county judge of the county in which the township first making the application is situate shall in all cases, be the third arbitrator when such wardens are unable to agree; 29 & 30 V., c. 51, s. 341, sub-s. 8.

When the several townships interested cannot agree.

Warden and county judge to decide.

- (9.) It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute; the warden of the county in which the township first making the application is situated, shall be the convener of the

Meeting of Wardens; who to convene, etc.

meeting; and it shall be his duty to notify the warden of the other county and county judge of the time and place of meeting, within eight days of the time of his receiving such application; 29 & 30 V., c. 51, s. 341, sub-s. 9.

What the warden and county judge shall determine, etc.

(10.) At such meeting, the wardens and county judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of such commissioners to the extent of the sum apportioned to each; and path-masters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such commissioner or commissioners in performing the statute labour unexpended; 29 & 30 V., c. 51, s. 341, sub-s. 10.

County council may assume the road, etc.

(11.) Any county council may assume, make and maintain any township or county line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient; 29 & 30 V., c. 51, s. 341, 20 sub-s. 11.

Bridges over rivers being boundaries.

(12.) It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines; and in the case of county councils failing to agree on the respective portions of the expense to be borne by the several counties, it shall be the duty of each county council to appoint arbitrators as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final; 29 & 30 V., c. 51, s. 341, sub-s. 12.

ROADS ASSUMED TO BE MACADAMIZED.

Roads assumed to be macadamized.

499. When a county council assumes by by-law any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamised, or the bridge to be built in a good and substantial manner; 29 & 30 V., c. 51, s. 342. 35

CERTAIN POWERS OF JUSTICES IN SESSIONS TRANSFERRED.

500. Nothing herein contained shall be taken or construed to affect or repeal that section of the Act passed in the twenty-ninth and thirtieth years of the reign of Her present Majesty chaptered fifty-one, which enacts that

Certain powers of justices in session transferred.

"All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the magistrates in quarter sessions, with respect to any particular road or bridge in a county, and not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations or directions 50

of the magistrates would have subjected them to." 29 & 30 V., c. 51, s. 343.

GENERAL POWERS OF COUNTIES RESPECTING HIGHWAYS.

501. The council of every county shall have power to pass By-laws for by-laws for the following purposes; 29 & 30 V., c. 51, s. 344.

- 5 (1.) For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to the four hundred and eighty-first section of this Act; 29 & 30 V., c. 51, s. 344, sub-s. 1. Sale of original allowance, etc., for roads in certain cases.
- (2.) For preventing immoderate riding or driving of horses or other cattle on the highways, whether township or county highways; 29 & 30 V., c. 51, s. 344, sub-s. 2. Preventing furious driving;
- 15 (3.) And in case of having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, for regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses and all other vehicles used or kept for hire, and for issuing and regulating teamsters' licenses, for regulating the width of tire used on such vehicles, for establishing the rates of fare that may be collected or taken by the owners or drivers, for enforcing the payment of such licenses, regulating rates of fare for the conveyance of goods or passengers, and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county, gravel or macadamized roads; 31 V., c. 30, s. 45. for licensing livery stables, etc.;
cabs, carriages, etc.;
width of tire.
- 30 (4.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county, or between the county, and any adjoining county or city, or on the bounds of any town or incorporated village within the boundaries of the county, as the interests of the inhabitants of the county in the opinion of the council require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions hereinbefore contained; 29 & 30 V., c. 51, s. 344, sub-s. 3. Roads within or between several municipalities.
- 35 (5.) For the protecting and regulating of booms on any stream or river for the safe-keeping of timber, saw-logs and staves within the municipality; 29 & 30 V., c. 51, s. 344, sub-s. 4. Protecting booms.
- 45 (6.) For levying by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expense of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more Local rates for special improvements.

especially benefitted ; provided that the provisions of this subsection shall not be held to apply to any road, bridge or other public work within the limits of any town or incorporated village municipality. 29 & 30 V., c. 52, s. 344, sub-s. 6.

Proceedings to obtain a by-law.

Notice to be given.

(7.) But no such by-law, as referred to in the last preceding subsection, shall be passed, except—1. Upon a petition signed by at least two thirds of the electors who shall be rated for at least one-half of the value of the property within those parts of such township which are to be affected by the by-law ; 2. Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least four weeks in some newspaper, if any there be published in the county, or if there is no such newspaper, then in a newspaper published in some adjoining county. 29 & 30 V., c. 51, s. 344, sub-s. 7.

ORIGINAL ROAD ALLOWANCES.

By-laws for stopping up and sale of original road allowance.

502. The council may pass by-laws for the stopping-up and sale of any original allowance for road or any part thereof within the township municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed ; but no such by-law shall have any force (1) unless passed in accordance with the four hundred and eighty-first section of this Act, nor (2) until confirmed by a by-law of the council of the county in which the township is situate at an ordinary session of the county council, held not sooner than three months, nor later than one year next after the passing thereof. 29 & 30 V., c. 51, s. 345, sub-s. 2.

TREES OBSTRUCTING HIGHWAYS, PURCHASE AND SALE OF LANDS

Ordering trees to be cut down. Granting

(1.) For directing that, on each or either side of a highway passing through a wood, the trees (unless they form part of an orchard or a shrubbery, or have been planted or left expressly for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or on his default, by the overseer of highways, or other officer in whose division the land lies ; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect. 29 & 30 V., c. 51, s. 345, sub-s. 3.

money for that purpose.

(2.) For granting out of township funds any sum of money that may be necessary to pay for the cutting down and removing the timber in the above sub-section mentioned ; 29 & 30 V., c. 51, s. 345, sub-s. 4.

Purchasing wet lands from Government.

(3.) For purchasing from the government or any corporation or person, at a price (in case of Crown Lands to be fixed upon by the Lieutenant-Governor, in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet land at the disposal of the Crown or such corpora-

tion or person in any such township; and such lands may be sold accordingly to the corporation of any such township; 29 & 30 V., c. 51, s. 345, sub-s. 6.

(4.) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money, by loan or otherwise, or for which they may apply any of its funds not otherwise appropriated; 29 & 30 V., c. 51, s. 345, sub-s. 6. Raising money for that purpose.

(5.) The corporation of any such township may possess, and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous; 29 & 30 V., c. 51, s. 345, sub-s. 7. Disposing of such land.

(6.) The proceeds of the sale of such lands shall form part of the general funds of the township municipality. 29 & 30 V., c. 51, s. 345, sub-s. 8. Proceeds of sale.

FOOTPATHS.

(7.) For setting apart so much of any highway as they may deem necessary for the purpose of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles; 33 V., c. 26, s. 11. Construction of foot-paths.

SALE OF MINERALS.

503. The corporation of any township, wherever minerals are found, may sell by public auction or otherwise, the mineral rights to the roads over which said township may have jurisdiction, if considered expedient so to do; Provided always, that no such sale shall take place until after due notice of such intended by-law has been posted up, in six of the most public places in the immediate neighbourhood of such road, for, at least, one month previous to the time fixed for considering such by-law; Provided also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. 31 V., c. 30, s. 37. Mineral right to roads may be sold. Proviso.

WHEN ROADS IN VILLAGES OR HAMLETS MAY BE SOLD.

504. In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the council of the township in which the village or hamlet is situated, and in case the petition of such unincorporated village or hamlet not being a police village, is accompanied by a certificate from the registrar of the county within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, such council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the When roads in police villages may be sold by township councils.

plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. 29 & 30 V., c. 51, s. 346.

When village is partly in each of two townships.

505. The last section shall apply to a village or hamlet situate in two or more townships whether such townships are in the same or in different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 29 & 30 V., c. 51, s. 347. 10

REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

By-laws under which roads are opened in private property to be registered as to by-laws already passed.

506. All by-laws passed by any council, subsequent to the first day of January, in the year of our Lord, one thousand eight hundred and sixty-seven, under the authority of which any street, road or highway, shall be opened upon any private property, shall, before the same become effectual, unless heretofore registered, pursuant to section three hundred and forty-eight of the Act, passed in the session of the parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, be duly registered in the registry office of the county where the land is situate; and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk, and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the quarter or general sessions heretofore passed, under the authority of which any street, road or highway, is to be or has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the registrar, of a duly certified copy of such by-law under the hand of the municipal clerk, and seal of such municipality, or by a duly certified copy of such order or resolution of such quarter or general sessions, given under the hand and seal of the clerk of the peace (as the case may be.) 29 & 30 V., c. 51, s. 348, & 31 V., c. 20, s. 63. 15 20 25 30 35

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

By-laws:

507. The council may pass by-laws.

For taking stock in railways or guaranteeing debentures.

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company, to which the eighteenth section of the statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act), or the sections of the consolidated statute of Canada, respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act. 29 & 30 V., c. 51, s. 349, sub-s. 1. 40 45

For guaranteeing the payment of debentures.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient 50

sum to discharge the debt or engagement so contracted; 29 & 30 V., c. 51, s. 349, sub-s. 2.

(3.) For issuing, for the like purpose, debentures payable at 5 such times, and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the council may think meet: 29 & 30 V., c. 51, s. 349, sub-s. 4. For issuing debentures.

(4.) For directing the manner and form of signing or endorsing any debenture so issued; endorsed or guaranteed, and of 10 countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively; but the corporation shall not subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof, shall receive the assent of the 15 electors of the municipality, in manner provided by this Act; 29 & 30 V., c. 51, s. 349, sub-s. 4. Form of.
To be confirmed by public vote.

508. Any debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation, without the corporate seal thereto, or the observance of any other form with regard to the debenture, than such as may be directed in the by-law. 29 & 30 V., c. 51, s. 350. Debentures, when valid without the corporate seal.

509. In case the council subscribes for, and holds stock in such company, to the amount of twenty thousand dollars or 25 upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 29 & 30 V., c. 51, s. 351. Head, when to be a director.

510. The council may pass by-laws for authorizing any 30 railway company, in case such authority is necessary, to make a branch railway on property of the corporation or on highways under such conditions as the council sees fit, and subject to the restrictions contained in the Consolidated Railway Act and any 35 other acts affecting such railway, and may also pass by-laws to authorize companies or individuals to construct tram and other railways along any highway on such terms and conditions as the council shall see fit. 29 & 30 V., c. 51, s. 352, and 33 V., c. 26, s. 12. By laws authorizing branch railways.

PROCEEDINGS ON ARBITRATION.

511. In all cases of arbitration directed by this Act, the proceedings shall be as follows: 29 & 30 V., c. 51, s. 353.

(1.) Each party shall appoint one arbitrator, and give notice thereof in writing to the other party; and when the other party is a corporation, the notice shall be given to the head of 45 the corporation; 29 & 30 V., c. 51, s. 353, sub-s. 1. Mode of appointing arbitrators and conducting arbitrations.

(2.) The two arbitrators appointed by or for the parties, shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an 50 equality of arbitrators, they shall appoint another arbitrator, or in default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in council Third arbitrator.

may, on the application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13.

Provision in case of neglect to appoint.

(3) In case of an arbitration between townships, if for one month after having received such notice, the party notified omits appointing an arbitrator; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then the warden of the county within which the townships are situate, may appoint an arbitrator for the party or arbitrators in default; 29 & 30 V., c. 51, s. 353, sub-s. 3. 10

In case of exercise of powers as to roads, drains, etc.

(4.) In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets, or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the council of such corporation, of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of such council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, 20 and shall express clearly in the notice what powers such council intends to exercise with respect to the property (describing it): 29 & 30 V., c. 51, s. 353, sub-s. 4. 15

If the owner of property fail to name an arbitrator.

(5.) If within one month after service on the owner or owners of the property of a copy of any by law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf; 29 & 30 V., c. 51, s. 353, sub-s. 5. 25 30

Time for appointing third arbitrator and for award.

(6.) In either of the cases provided for by the two preceding sub-sections, the two arbitrators shall, within seven days, appoint a third arbitrator, and their award shall be made within one month after the appointment; 29 & 30 V., c. 51, s. 353, sub-s. 6. 35

County judge to appoint in some cases.

(7.) If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the last named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him: 29 & 30 V., c. 51, s. 353, sub-s. 7. 40 45

Appointments how to be made.

(8.) The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law; 29 & 30 V., c. 51, s. 353 sub-s. 8. 50

(9.) The arbitrators on behalf of a municipal corporation, or provisional corporation, shall be appointed by the council thereof, or by the head thereof if authorized by a by-law of the council; 29 & 30 V., c. 51, s. 353, sub-s. 9. Head may appoint for corporation.

5 (10.) In case there are several persons having distinct interests in property, in respect of which the corporation is desirous of exercising the powers referred to in the above fourth sub-section, under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or
 10 one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council of such corporation, be disposed of by one award, such persons shall have one month instead of seven days to agree upon, and give
 15 notice of an arbitrator jointly appointed in their behalf, before the county court judge shall have power to name an arbitrator for them; 29 & 30 V., c. 51, s. 353, sub-s. 10. When many parties are interested in the same property.

(11.) Every arbitrator before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or
 20 in case of those who by law affirm, make and subscribe, the following affirmation) before any justice of the peace; 29 & 30 V., c. 51, s. 353, sub-s. 11. Arbitrators to be sworn.

"I, A. B., do swear (or affirm) that I will well and truly try
 "the matters referred to me by the parties, and a true and im- Form of oath.
 25 "partial award make in the premises according to the evidence.
 "So help me God." Which oath or affirmation shall be filed with the papers of the reference;

(12.) In case the award relates to property to be entered upon, taken, or used as mentioned in the said fourth sub-section, and
 30 in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the
 35 award shall not be binding on the corporation, unless it is adopted by by-law within six weeks after the making of the award: and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay
 40 the cost of the arbitration; 29 & 30 V., c. 51, s. 353, sub-s. 12. Award to be binding in certain cases, must be adopted by by-law within a certain time.

(13.) In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement
 45 that the present sub-section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all docu-
 50 mentary evidence or a copy thereof, and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto; 29 &
 55 30 V., c. 51, s. 353, sub-s. 13. Notes of the evidence adduced to be taken and filed in certain cases.

Every award to be made by at least two arbitrators and subject to superior courts.

Powers of the courts in such cases.

(14.) Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the superior courts of law or equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court; and in the cases provided for by the last preceding subsection, the court shall consider not only the legality of the award, but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require: 29 & 30 V., c. 51, s. 353, sub-s. 14. 20

POUNDS AND POUND-KEEPERS.

By-laws as to pounds and cruelty to animals.

512. The council may pass by-laws (not inconsistent with the Act of the Dominion of Canada, relating to cruelty to animals passed in the Session held in the thirty-second and thirty-third years of the reign of Her Majesty, chaptered twenty-seven. 29 & 30 V., c. 51, s. 354. 25

PROVIDING POUNDS.

Pounds to be provided.

(1.) For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound; 29 & 30 V., c. 51, s. 354, sub-s. 1.

ANIMALS RUNNING AT LARGE.

Animals running at large.

(2.) For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; 29 & 30 V., c. 51, s. 354, sub-s. 2.

Appraising damages done by.

(3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of 35 Ontario or of the municipality; 29 & 30 V., c. 51, s. 354, sub-s. 3.

Compensation for impounding animals.

(4.) For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 29 & 30 V., c. 51, s. 354, sub-s. 4. 40

GENERAL PROVISIONS.

Regulating respecting animals.

513. Until varied or other provisions are made by by-laws of the municipality, the following regulations shall be in force: 29 & 30 V., c. 51, s. 355.

Liability for damage done.

(1.) The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals 45

under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the regulations of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such regulations; 29 & 30 V., c. 51, s. 355, sub-s. 1.

(2.) If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises, after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any justice of the peace, and fined such sum as the justice may direct; 29 & 30 V., c. 51, s. 355, sub-s. 2.

What animals
to be im-
pounded.

(3.) When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any inclosed place within the limits of the pound-keeper's division within which the distress was made; 29 & 30 V., c. 51, s. 355, sub-s. 3.

When the
common
pound is not
safe.

(4.) The owner of any animal impounded, shall at any time be entitled to his animal, on demand made therefor without payment of any poundage-fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage-fees that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage-fees, if such be demanded, and within twenty-four hours thereafter, deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any) not exceeding twenty dollars, done by such animal exclusive of such poundage-fees, and shall also give his written agreement (with a surety if required by the pound-keeper) in the form following, or in words to the same effect:

Statement of
demand to be
made to pound
keeper.

"I (or we, as the case may be), do hereby agree that I (or we) will pay to the owner of the (*describing the animal*) by me (A.B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A.B. proves to be illegal, or in case the claim for damages now put in by me the said A.B. fails to be established;" 29 & 30 V., c. 51, s. 355, sub-s. 4.

Form of agree-
ment with
pound keeper.

(5.) In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the township for straying within his premises, such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him; 29 & 30 V., c. 51, s. 355, sub-s. 5.

If the animal
be of a certain
kind.

(6.) If the owner is known to him, he shall forthwith give to

If the owner
be known.

the owner notice in writing of having taken up the animal ; 29 & 30 V., c. 51, s. 355, sub-s. 6.

If unknown ;
notice to town-
ship clerk.

(7.) If the owner be unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the municipal clerk a notice in writing of 5 having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be ; 29 & 30 V., c. 51, s. 355, sub-s. 7.

Duty of clerk
thereon.

(8.) The municipal clerk, on receiving this notice, shall forth- 10 with enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the the animal is sooner claimed by the owner ; 29 & 30 V., c. 51, s. 355, sub-s. 8.

If animals are
worth \$10 or
over.

(9.) If the animal or any number of animals taken up at the 15 same time, be of the value of ten dollars or more, the distrain- or shall cause a copy of the notice to be published in a news- paper in the county, if one is published therein, and if not, 20 then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks ; 29 & 30 V., c. 51, s. 355, sub-s. 9.

Notice of sale,
when sale may
be made.

(10.) In case an animal be impounded, notices for the sale 25 thereof shall be given by the pound-keeper or person who im- pounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same ; 29 & 30 V., c. 51, s. 355, sub-s. 10.

If the animal
is not impoun-
ded but de-
tained.

(11.) In case the animal be not impounded but is retained in 30 the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up ; 29 & 30 V., c. 51, s. 355, sub-s. 11. 35

Notice of sale
unless redeem-
ed.

(12.) The notices of sale may be written or printed and shall 40 be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner reprieved or redeemed by the owner or some one on his behalf, 40 paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, to- gether with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any) ; and the expenses of the 45 animal's keeping ; 29 & 30 V., c. 51, s. 355, sub-s. 12.

Keepers to
feed impound-
ed cattle.

(13.) Every pound-keeper, and every person who impounds 50 or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water and shelter during the whole time that such animal continues impounded or confined. 29 & 30 V., c. 51, s. 355, sub-s. 13.

(14.) Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. 29 & 30 V., c. 51, s. 355, sub-s. 14. And may recover the value.

(15.) The value or allowance as aforesaid may be recovered, with costs, by summary proceedings before any justice of the peace, within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality, may by law be recovered and enforced by a single justice of the peace; and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, as far as applicable, to the tariff of pound-keepers' fees and charges that may be or have been established by the by-laws of the municipality. 29 & 30 V., c. 51, s. 355, sub-s. 15. In what manner such value may be recovered.

(16.) The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. 29 & 30 V., c. 51, s. 355, sub-s. 16. Other mode of enforcing.

(17.) In case it be by affidavit proved before one of the justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the township may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble, and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of and for the use of the municipality. 29 & 30 V., c. 51, s. 355, sub-s. 17. Sale, how affected, etc., and purchase may, how appraised.

(18.) If the owner within forty-eight hours after the delivery of such statements as provided in the fourth sub-section of this section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper. 29 & 30 V., c. 51, s. 355, sub-s. 18. Disputes regarding such demand, how determined.

(19.) Such fence-viewers, or any two of them, shall, within Fence viewers

to view and
appraise
damages.

twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement, signed by at least two of them, of their appraisal, and of their lawful fees and charges. 29 & 30 V., c. 51, s. 355, sub-s. 19. 10

Penalty for
neglect of duty
by viewers.

(20.) Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the municipality, by summary proceeding before a justice of the peace upon the complaint of the party aggrieved, or the Treasurer of the municipality. 29 & 30 V., c. 51, s. 355, sub-s. 20.

Proceedings
where viewers
decide against
the legality of
a fence.

(21.) If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges be not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. 29 & 30 V., c. 51, s. 355, sub-s. 21. 25

Liability of
pound keeper
refusing to
feed animal
impounded.

(22.) In case any pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall, for every day during which he refuses or neglects, forfeit a sum not less than one dollar, nor more than four dollars. 29 & 30 V., c. 51, s. 355, sub-s. 22. 30

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

Recovery and
enforcement
penalties.

514. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any justices of the peace for the county, or of the municipality in which the offence was committed; and, in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the commitment, be sooner paid; 29 & 30 V., c. 51, s. 355, sub-s. 23. 35 40

Who may be
witness.

515. Upon the hearing of any information or complaint exhibited or made under this Act, any person, (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender; 29 & 30 V., c. 51, s. 355, sub-s. 24. 45 50

Application of
penalties.

516. When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act, shall

be paid and distributed in the following manner: one moiety to the municipality in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper; 29 & 30 V., c. 51, s. 355, sub-s. 25.

517. If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property, or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree; and on his neglect, or refusal so to do, for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the party liable to pay it under this Act; provided always, that for the purpose of such removal, the owner of such tree, may enter into, and upon such adjoining premises, for removal of the same, without being a trespasser, avoiding any unnecessary spoil or waste in so doing; and all disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. 29 & 30 V., c. 51, s. 355, sub-s. 28.

Provision.
When tree is
thrown down
across line
fence.

Proviso; en-
try to remove
a tree not to
be trespass.

JUSTICES OF THE PEACE.

518. The head of every council, and reeve of every township shall, *ex officio*, be justice of the peace for the whole county, or union of counties, in which their respective municipalities lie: Provided always, that before any reeve shall act in the capacity of a justice of the peace for the county, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace; 29 & 30 V., c. 51, s. 357, and 31 V., c. 30, s. 38.

Heads of
council and
reeve of
township to
be justice of
peace.

519. No reeve, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a justice of the peace; 29 & 30 V., c. 31, s. 358.

Qualification
and oath of
justice of the
peace, when
dispensed
with.

CONVICTIONS UNDER BY-LAWS.

520. It shall not be necessary in any conviction made under any by-law of any council, to set out the information, appearance, or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form given in the following schedule.

What only
shall be ne-
cessary in
conviction
under by-law.

PROVINCE OF ONTARIO,)
County of) that on the day of
To wit.) A.D. at in the county
of) A.B. is convicted before the undersigned,

BE IT REMEMBERED Form.

one of Her Majesty's justices of the peace in and for the said county, that the said A. B. (*stating the offence, and time and place, and when and where committed*) contrary to a certain by-law of the municipality of the _____ of _____, in the said county of _____; passed on the _____ day of _____ A.D. _____, and intituled; (*reciting the title of the by-law*); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of _____, to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of _____ for his costs in this behalf. And if the 10 said several sums be not paid forthwith, *or on or before the day of _____ (as the case may be),* I order that the same be levied by distress and sale of the goods and chattles of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the 15 common jail of _____ (*or, in the public lock-up at _____*) for the space of _____ days, unless the said several sums, and all costs and charges of conveying the said A. B. to such jail (*or lock-up*), shall be sooner paid.

Given under my hand and seal, the day and year first above 20 written, at _____, in the said county.

(L.S.)

J. M., J.P.

29 & 30 V., c. 51, s. 362.

Compelling witnesses to attend, etc.

521. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give 25 evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before justices of the peace in cases tried summarily, under the statutes now in force. 29 & 30 V., c. 51, s. 363.

Heads of councils to administer oaths.

522. The head of every council, or in his absence the chair- 30 man thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 29 & 30 V., c. 51, s. 366.

JURORS AND WITNESSES.

Jurors, etc.

523. In any prosecution, suit, action or proceeding in any civil matter to which a municipal corporation is a party, no rate- 35 payer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, suit, action or proceeding, is a county. 32 V., c. 6, s. 13. 40

LOCK-UP-HOUSES.

Lock-up houses may be established by county councils.

524. The council of every county may establish and maintain a lock-up-house or lock-up-houses within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of 45 the county; 29 & 30 V., c. 51, s. 407.

Constable to be placed in charge of.

525. Every such lock-up house shall be placed in the charge of a constable specially appointed for that purpose, by the magistrates of the county at a general sessions of the peace therefor; 29 & 30 V., c. 51, s. 408. 50

526. Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enacts that "any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law; 29 and 30 V., c. 51, s. 409.

Who liable to confinement in.

527. The expense of conveying any prisoner to, and of keeping him in a lock-up-house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county; 29 & 30 V., c. 51, s. 409.

Expenses of conveying and maintaining prisoners.

528. Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to be a lock-up-house as if established under this Act; 29 & 30 V., c. 51, s. 411.

Previous lock-up houses to continue.

529. The council of every township may, by by-law establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence: and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence: and the council may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the municipality; and every such lock-up-house shall be placed in charge of a constable specially appointed for that purpose by the council; two or more municipal corporations may unite to establish and maintain a lock-up-house. 29 & 30 V., c. 51, s. 412.

Lock-up houses for persons sentenced to short imprisonment.

530. Nothing herein contained shall be taken or construed to affect or repeal so much of sections four hundred and fourteen and four hundred and fifteen of the Act passed in the session of the Parliament of the late Province of Canada held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enact that,—

House of Industry and Refuge.

"Any two of Her Majesty's justices of the peace may, by writing under their hands and seals, commit to the house of industry or of refuge, to be employed and governed according to the rules, regulations and orders of the house;

Who liable to be committed thereto

- Indigent.** (1.) "All poor and indigent persons who are incapable of supporting themselves ;
- Idle.** " (2.) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ; 5
- Lewd.** " (3.) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living ;
- Frequenters of public houses.** " (4.) And all such as spend their time and property in public houses, to the neglect of any lawful calling ; 10
- Idiots.** " (5.) And idiots." 29 & 30 V., c. 51, s. 414.
- Punishment of refractory inmates.** " And every person committed to the house of industry or of refuge, if fit and able, shall be kept diligently employed at labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour 15 as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the house of industry or of refuge in that behalf." 29 & 30 V., c. 51, s. 415.

CONFIRMING AND SAVING CLAUSES.

- Exception from repeal.** **531.** Nothing herein contained shall be taken or construed 20 to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of his present Majesty, chaptered fifty-one which enacts, that "so much of the schedules in either of the 25 Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, num- 30 bers one, five, twelve, thirteen, fourteen and fifteen;" "And also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the 35 Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall 30 continue in force." 29 & 30 V., c. 51, s. 423.
- Further exception.**

532. This Act shall take effect on the day of one thousand eight hundred and seventy.

- Inconsistent enactments repealed.** **533.** All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of 45 Ontario, are hereby repealed ; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any of such parts or Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior 50 to the said repeal to which they would otherwise apply. 29 & 30 V., c. 51, s. 423.

AS TO CITIES IT IS FURTHER ENACTED AS
FOLLOWS:

INTERPRETATION CLAUSE.

534. Unless otherwise declared or indicated by the context Interpretation of words. whenever any of the following words occur in this Act, the meanings hereinafter expressed, attach to the same, namely:
29 & 30 V., c. 51, s. 422.

5 (1.) The word "Municipality" means any locality the inhabitants of which are, or are continued or become incorporated under this Act; 29 & 30 V., c. 51, s. 422, sub-s. 1. Municipality.

(2.) The word "Council" means the Municipal Council or Provisional Municipal Council, as the case may be of the Municipality; 29 & 30 V., c. 51, s. 422, sub-s. 2. Council.

(3.) The word "County" means County, Union of Counties or United Counties, or Provisional County, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 3. County.

(4.) The word "Township" means Township, Union of Townships or United Townships, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 4. Township.

(5.) The words "Land," "Lands," "Real Estate," "Real Property," respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein; 29 & 30 V., c. 51, s. 422, sub-s. 5. Land, real estate.

(6.) The words "Highway," "Road" or "Bridge," mean respectively a Public Highway, Road or Bridge; 29 & 30 V., c. 51, s. 422, sub-s. 6. Highway, road, etc.

(7.) The word "Electors" means the persons entitled for the time being to vote at Municipal Elections in the Municipality; Ward, or Electoral Division or Police Village, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 7. Electors.

(8.) The word "Reeve" includes the Deputy Reeve or Deputy Reeves when there is a Deputy Reeve for the Municipality; except in so far as respects the office of a Justice of the Peace; 29 & 30 V., c. 51, s. 422, sub-s. 8. Reeve.

(9.) The words "next day" are not to apply to or include Sunday or Statutory Holidays. 29 & 30 V., c. 51, s. 422, sub-s. 9. Next day.

EXISTING INSTITUTIONS CONTINUED.

535. The inhabitants of every city incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation then established. 29 & 30 V., c. 51, s. 1. Existing institutions continued.

536. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every city existing when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, Heads, officers, by-laws, etc., continued.

property, assets and liabilities of such city, continued under and subject to the provisions of this Act. 29 & 30 V., c. 51, s. 3.

NAMES AND GOVERNING BODY.

Names of corporation of cities,

537. The name of every city continued, or erected under this Act, shall be *The corporation of the city of* (naming the same). 29 & 30 V., c. 51, s. 4. 5

The councils to exercise corporate powers.

538. The powers of every city under this Act, shall be exercised by the council thereof. 29 & 30 V., c. 51, s. 6.

NEW MUNICIPALITIES.

Extension of into bodies corporate.

539. The inhabitants of every locality erected into a city, after this Act takes effect, shall be a body corporate under this Act. 29 & 30 V., c. 51, s. 8. 10

ERECTION OF TOWNS INTO CITIES.

Cities, how formed.
Census.

Town containing over fifteen thousand inhabitants may be made a city.

540. A census of any town may at any time be taken under the authority of a by-law of the council thereof; And in case it appears by the census return taken under any Act of Parliament, or under any such by-law, that a town contains over fifteen thousand inhabitants, the town may be erected into a city; but the change shall be made by means of and subject to the following proceedings and conditions: 29 & 30 V., c. 51, ss. 14 and 15:

1st notice to be given.

(1.) The council of the town shall for three months after the census return, insert a notice in some newspaper published in the town, or, if no newspaper be published therein, then the council shall for three months post up a notice in four of the most public places in the town, and insert the same in a newspaper published in the county in which the town is situate, setting forth in the notice the intention of the council to apply for the erection of the town into a city, and stating the limits intended to be included therein; 29 & 30 V., c. 51, s. 15, sub-s. 1. 20

Proof of census and of publication of notice.

(2.) The Council of the Town shall cause the census returns to be certified to the Lieutenant Governor in Council, under the signature of the Head of the Corporation and under the Corporate Seal, and shall also cause the publication aforesaid to be proved to the Lieutenant Governor in Council; and the Town shall moreover pay to the County of which it forms part, such portion, if any, of the debts of the County as may be just, or the Council of the Town shall agree with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement the same shall be determined by arbitration under this Act; and the Council of the Town shall prove to the Lieutenant Governor in Council the payment agreement or arbitration; Then the Lieutenant Governor may, by Proclamation erect the Town into a City, by a name to be given thereto in the Proclamation. 29 & 30 V., c. 51, s. 15, sub-s. 2 & 3. 30

Existing debt to be adjusted, etc.

Proclamation.

35 of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement the same shall be determined by arbitration under this Act; and the Council of the Town shall prove to the Lieutenant Governor in Council the payment agreement or arbitration; Then the Lieutenant Governor may, by Proclamation erect the Town into a City, by a name to be given thereto in the Proclamation. 29 & 30 V., c. 51, s. 15, sub-s. 2 & 3. 40

Extension of limits of such city.

541. The Lieutenant Governor may include in the new City such portions of any Township or Townships adjacent thereto and within the limits mentioned in the aforesaid notice as, 45

from the proximity of streets or buildings, or the probable future exigencies of the new City, the Lieutenant Governor in Council may consider it desirable to attach thereto. 29 & 30 V., c. 51, s. 16.

5 **512.** The Lieutenant Governor may divide the new City into Wards, wards with appropriate names and boundaries, but no ward on any such division shall have less than five hundred inhabitants. 29 & 30 V., c. 51, s. 17.

10 **513.** In case any tract of land so attached to the city belong- Lands detach-
ed to another County, the same shall thenceforward for all pur- ed from coun-
poses cease to belong to such other County, and shall belong to ties, etc.
the same County as the rest of the city. 29 & 30 V., c. 51, s. 18.

NEW DIVISION OF WARDS.

15 **514.** In case two-thirds of the Members of the Council of a New division
City, do in Council before the Fifteenth day of July in any of Wards in
15 year, pass a resolution affirming the expediency of a new divi- cities.
sion into Wards being made of the City or of a part of the same, either within the existing limits or with the addition of
any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies
20 of the City, it may seem desirable to add thereto respectively, the Lieutenant Governor may, by proclamation divide the City,
or such part thereof into Wards, as may seem expedient, and may add to the City any part of the adjacent Township or
25 Townships, which the Lieutenant Governor in Council on the grounds aforesaid considers it desirable to attach thereto. 29
& 30 V., c. 51, s. 19. Extension of
city.

LIBERTIES ABOLISHED.

545. There shall be no liberties or outer Wards in Cities No liberties.
29 & 30 V., c. 51, s. 20.

EXISTING BY-LAWS CONTINUED.

30 **546.** In case a Town with or without additional area, be By-laws to
erected into a City, the By-laws in force therein respectively continue in ci-
shall continue in force until repealed or altered by the Council tities until
of the new Corporation; But no such By-laws shall be repealed repealed.
or altered unless they could have been or can be legally repeal- When not to
ed or altered by the Council which passed the same. 20 & 30 be repealed.
35 V., c. 51, s. 21.

547. In case an addition be made to the limits of a city, the And when the
by-laws of such city shall extend to the additional limits, and limits of a city
the by-laws of the corporation from which the same has been are extended.
detached shall cease to apply to the addition, except only by-
40 laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the city added to. 29 & 30
V., c. 51, s. 22.

LIABILITY TO DEBTS TO CONTINUE.

548. In case of the erection of a town into a city, the city shall Liability for
remain liable to all the debts and liabilities to which the town debts to con-
45 was previously liable, in like manner as if the same had been tinue.

contracted or incurred by the new municipality. 29 & 30 V., c. 51, s. 23.

And in case of an extension of limits.

549. After an addition has been made to a city, the city shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. 29 & 30 V., c. 51, s. 24.

COUNCILS AND OFFICERS TO CONTINUE.

Former Council and officers to have same powers as before, until new Councils are organized.

550. In case a town be erected into a city, the council and the members thereof having authority in the municipality immediately before such erection, shall, until the council for the newly erected corporation be organized, continue to have the same powers as before; and all other officers and servants of the municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before, 29 & 30 V., c. 51, s. 25

COUNCILS, OF WHOM COMPOSED.

THE MAYOR.

Heads of cities.

551. The head of every city shall be designated the Mayor thereof. 29 & 30 V., c. 51, s. 65.

Compositions of Councils.

552. The council of every city shall consist of three Aldermen for every ward, one of whom shall be Mayor to be elected in accordance with the provisions of the five hundred and eighty-third section of this Act. 29 & 30 V., c. 51, s. 66, sub-s. 2.

QUALIFICATIONS OF MAYORS AND ALDERMEN.

Qualification of Mayor, Councillors, etc.

553. The persons qualified to be elected mayors and aldermen of any municipality are such persons as reside within such municipality or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or a freehold or leasehold partly legal and partly equitable, rated in their own names on the last revised assessment roll of such municipality to at least the value following, over and above all charges, liens or incumbrances affecting the same:—

Mayors.

For mayors—Freehold to four thousand dollars, or leasehold to eight thousand dollars.

Councillors.

For aldermen—Freehold to three thousand dollars, or leasehold to six thousand dollars.

As to property partly freehold.

And so in the same proportions in case the property is partly freehold and partly leasehold.

"Leasehold" defined.

The word "leasehold" in this section shall not include a

term less than a tenancy for a year, or from year to year; and the qualification of all persons where a qualification is requisite under this Act, may be of an estate either legal or equitable, or partly legal and partly equitable. 29 & 30 V., c. 51, s. 70; 5 and 31 V., c. 30, s. 7.

554. In case there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 29 & 30 V., c. 51, s. 72. If only one person be qualified.

- 10 **555.** No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city, assessor, collector, chamberlain or clerk of any municipal corporation, no bailiff of any division court, no county attorney, 15 no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no innkeeper or saloon keeper, and no person having by himself or his partner an interest in any contract, with or on behalf of the corporation, shall hereafter be qualified to be a member of the council; Pro- 20 vided always, that no person shall be held to be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the council, or by having a lease of twenty-one years or upwards of any property from the corporation of 25 the municipality, but any such leaseholder shall not vote in the council on any question affecting any lease from such corporation. 31 V., c. 30, s. 8. Disqualification of Councillors, etc.

Proviso as to shareholders in Companies.

EXEMPTIONS.

- 556.** All persons over sixty years of age; all members and officers of the Legislative Assembly of Ontario and of the Senate 30 and House of Commons of Canada; all persons in the civil service of the crown; all Judges not disqualified by the last preceding section; all coroners; all persons in priest's orders; clergymen and ministers of the gospel of every denomination; all members of the law society of Upper Canada, whether bar- 35 risters or students; all attorneys and solicitors in actual practice; all officers of courts of justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college or school in Ontario, and all officers and servants thereof; all 40 millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed aldermen, or to any other corporate office. 29 & 30 V., c. 51, s. 74. Exemptions.

ELECTORS.

- 557.** The electors of every municipality for which there is an assessment roll, shall be the freeholders thereof in their own 45 right or right of their wives, whether resident or not, and such of the residents therein for one month next before the election as then are, or whose wives then are householders or tenants in the municipality; all which electors shall be natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and (if not voting in respect of a freehold), 50 resident within the municipality for which the vote is being taken for one month next before the election; and all which Electors, qualification of cities having an Assessment Roll.

electors shall have been severally rated on the last revised assessment roll for real property in the municipality, held in their own right or that of their wives as proprietors, householders or tenants, and have received no reward, nor have any expectation of reward for voting, and are named or purported 5 to be named in the list of electors, such rating shall be absolute and final, and shall not be questioned either by any returning officer, or on any application to set aside any election. The clerk shall furnish the returning officer with a list of electors verified as such under his hand. 29 & 30 V., c. 51, ss. 75 10 and 101, sub-s. 8; 31 V., c. 30, s. 9.

Cities.

558. In cities such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value of five hundred dollars. 31 V., c. 30, s. 10.

In newly created cities not having any Assessment Roll.

559. At the first election for a newly created city for which 15 there is no separate assessment roll, the qualification of nomination on such list of electors and of rating on the roll is dispensed with, and every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has in his own right 20 or that of his wife, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and name the property on which he votes at the time of tender of his vote; and he need not, though not a freeholder, have been resident for one month next before the elec- 25 tion. 29 & 30 V., c. 51, s. 77; 31 V., c. 30, s. 9.

Wards in which electors may vote.

560. Every elector may vote in each ward of the city in which he has been rated for the necessary property qualification. 28 & 30 V., c. 51, s. 78.

Householder defined.

561. Every occupant of a separate portion of a house, such 30 portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166.

When landlord and tenant both voted.

562. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be 35 deemed rated within this Act. 29 & 30 V., c. 51, s. 79.

When joint owners voted together.

563. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this act, otherwise none 40 of them shall be deemed so rated. 31 V., c. 30, s. 11.

ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

No elections to be in Taverns.

564. No election for the municipality or any ward thereof shall be held in a tavern or house of public entertainment licensed to sell spirituous liquors. 29 & 30 V., c. 51, s. 82.

FIRST ELECTIONS IN NEW AND EXTENDED CITIES.

Times of elections.

565. In case of the erection of a town into a city, and in case 45 of an additional tract of land being added to a city, or in case

of a new division into wards of a city, the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from 5 the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29 & 30 V., c. 51, s. 83, sub-ss. 3, 4 and 5.

SUBSEQUENT ELECTIONS.

566. Every election shall be held in the municipality to which the same relates. 29 & 30 V., c. 51, s. 84. Places of elections.

10 **567.** The council of every city, (including a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal elections; otherwise the election shall be held at the place or places at which the last election for the city, wards, or electoral 15 divisions was held. 29 & 30 V., c. 51, s. 85. To be fixed By-law.

568. The electors shall elect annually on the first Monday in January, the members of the council, except such members as may have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or ap- 20 pointed and sworn into office, and the new council organized. 33 V., c. 26, s. 3. Annual election of members of the Council.

RETURNING OFFICERS.

569. The council of every municipality in which the election is to be by wards or electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing 25 elections. 29 & 30 V., c. 51, s. 94. Returning Officers for elections by Wards.

WHEN CLERKS TO BE EX-OFFICIO RETURNING OFFICERS.

570. In the case of a municipality in which the election is not to be by wards or electoral divisions, the clerk shall be the re- turning officer at all elections after the first. 29 & 30 V., c. 51, s. 95. When Clerk to be ex officio Returning Officer.

IF THE RETURNING OFFICER BE ABSENT.

30 **571.** In case, at the time appointed for holding an election, the returning officer has died, or does not attend to hold the elec- tion within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from amongst them- 35 selves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a returning officer. 29 & 30 V., c. 51, s. 97. The absence of Returning Officer provided for.

THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

572 The returning officer shall, during the days of the elec- 40 tion, or of voting of electors as to a by-law act as a conservator of the peace for the city or county in which the election or voting is held, and he, or any Justice of the Peace having jurisdiction Returning Officers to be conservators of the Peace; their powers.

in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election or voting; and, when there-to required, all constables and persons present at the election or voting shall assist the returning officer or justice of the peace. 29 & 30 V., c. 51, s. 98.

MAY SWEAR IN SPECIAL CONSTABLES.

Special Constables may be sworn in.

573. Every returning officer or justice of the peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election or voting; and any person liable to serve as constable and required to be sworn in as a special constable by returning officer or justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 29 & 30 V., c. 51, s. 99.

PROCEEDINGS AS TO ELECTIONS OF ALDERMEN.

Proceedings how conducted.

Nomination meetings.

574. The proceedings at elections shall be as follows:—

(1) A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen at noon on the last Monday but one in December annually in each ward of the city at such place therein as shall from time to time be fixed by by-law of the council. 31 V., c. 30, s. 16.

Council to name Returning Officer.

Notice.

(2) Such Council shall by their said by-law name the returning officer for each ward, who shall preside at the nomination of candidates, or in his absence a chairman to be chosen by the meeting shall preside, and the returning officer shall give at least six days' notice of such meeting. 31 V., c. 30, s. 17.

If no more candidates than offices,

(3.) If only the necessary number of candidates to fill the vacant offices shall be proposed and seconded, the returning officer or chairman shall, after the lapse of one hour, declare such candidates duly elected; 29 & 30 V., c. 51, s. 101, sub-s, 3;

Returning Officers to adjourn proceedings.

(4.) If more than the necessary number of candidates be proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January next thereafter, when a poll or polls shall be opened at such place or places as shall be fixed by the said by-law of the council for the election, at nine of the clock in the morning and shall continue open until five of the clock in the afternoon, and no longer; and where there are two or more electoral divisions in any ward the said council shall by by-law fix the places for holding the election, and also name the returning officers who shall preside at the respective polling places. 31 V., c. 30, s. 18.

List of Voters.

(5.) The clerk of the city shall, before the poll is opened, deliver to the returning officer for every or any ward or electoral division, a list of the names arranged alphabetically of all male freeholders and householders rated upon the then last revised assessment roll for real property lying in that ward or electoral division to the amount required to qualify them to

vote at such election, and shall attest the said list by his solemn declaration in writing under his hand. 29 & 30 V., c. 51, s. 101, subs. 5.

- (6.) The clerk of every city shall provide the returning officer Poll Books. 5 of every ward or electoral division with a poll book and shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and the returning officer shall, opposite to such columns, write the names of the electors offering to vote at the election and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name. 31 V., c. 30, s. 19. How kept.

WHO MAY ADMINISTER OATHS.

- 575.** The returning officer or chairman may administer all oaths or affirmations necessary at any election, or any vote in respect of a by-law. 29 & 30 V., c. 51, s. 101, sub-s. 7. Returning Officer may administer oaths.

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

- 576.** At any election, the only oaths or affirmations to be required of any person claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the ward in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is resident within the municipality for which the election is held for one month next before the election; and that he is, or his wife is, a householder or tenant within such municipality, and (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; (or in the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the person offering to vote may be required to state in the oath the property, in respect of which he claims to vote, and that he is a resident of such municipality; and such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations; 29 & 30 V., c. 51, ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10. The only oaths to be required of voters otherwise than in respect of freehold.

- 577.** And the only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the ward in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is a freeholder in his own right, (or right of his wife, as the case may require); and in every case (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; and in case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of electors, the person offering to vote may be required to

state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality. And such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 29 & 30 V., c. 51, ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10.

Returning Officer to declare result of the election.

578. The returning officer shall, at the close of the poll, add up the number of votes set down for each candidate, for the office of Alderman, and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates respectively standing highest on the poll; but where a ward is divided into two or more electoral divisions, each returning officer shall at the close of the poll return his poll-book to the city clerk, who shall as soon as possible thereafter add up the number of votes and publicly declare the candidate so elected. 29 & 30 V., c. 51, s. 101, sub-s. 9. 10 15 25

When to have casting vote.

579. In case two or more candidates have an equal number of votes, the returning officer, or in case of a ward divided into electoral divisions the city clerk, whether otherwise qualified or not, shall give a vote for one or more of such candidates, so as to decide the election; and, except in such case, no returning officer or city clerk shall vote at any election held by him. 29 & 30 V., c. 51, s. 101, sub-s. 10. 25

Poll books to be returned to Clerk.

Attestation.

580. The returning officer shall, on the day after the close of the election, return the poll-book to the clerk from whom he received the copy of the voter's list, and also his solemn declaration thereto annexed, and the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected. 29 & 30 V., c. 51, s. 102. 30

Election riotously broken up to be resumed.

581. In case, by reason of riot or other emergency, an election is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day, at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, for four days, until the poll has been open without interruption and with free access to voters, for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 29 & 30 V., c. 51, s. 103. 35 40

If election is prevented for four days, Poll books to be returned, and a new election ordered.

582. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election, and a new election shall take place; and the head of the municipality shall issue his warrant accordingly. 29 & 30 V., c. 51, s. 104. 45 50

ELECTION OF MAYORS.

Election of Mayors.

583. Mayors of cities shall be elected by the members of the council at their first meeting in each year, and the clerk of the council shall preside at such election. 29 & 30 V., c. 51, s. 105; and 31 V., c. 30, s. 20.

584. The necessary declarations of office and qualification, Qualification shall be made by the members of the council, and mayor elect of. at the first meeting of the council. 29 & 30 V., c. 51, s. 117, & c. 52, s. 2.

5 **585.** No other business shall be proceeded with at the said meeting until the necessary declarations of office and qualification have been administered to all the members, who present themselves. 29 & 30 V., c. 51, s. 118. No other business before declarations.

10 **586.** If no return has been made for one or more wards, in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, the clerk shall declare the want of return for such ward or wards, or electoral divisions, and the cause thereof. 29 & 30 V., c. 51, s. 119. If no return for one or more wards,

15 **587.** In case no return be made for one or more wards in consequence of non-election, owing to interruption by riot or other cause, the members of council elect, being at least a majority of the whole members of the council when full, shall elect one of the aldermen elect in cities, to be presiding officer, proceedings in such case at which election the clerk shall preside, and such officer shall take the necessary declarations and possess all the powers of mayor, until a poll for such ward, wards, or electoral division or divisions, has been held under a warrant in the manner provided for in the five hundred and ninety-second section of this 25 Act. 29 & 30 V., c. 51, s. 120, and c. 52, s. 2.

588. Whenever the return has been made under such warrant, and the alderman or aldermen so elected has or have been qualified as such, the election of mayor of such city shall be proceeded with at the next meeting of the council in the same 30 manner as is provided by the five hundred and eighty-third section of this Act. 29 & 30 V., c. 51, s. 121. Election of Mayor.

589. The person or persons so elected shall forthwith make the necessary declarations and qualifications of office, and assume the office accordingly. 29 & 30 V., c. 51, s. 122. Declaration and assumption of office.

DUTIES OF MAYORS.

35 **590.** The mayor shall be deemed the head of the council, and the head and chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the city. 29 & 30 V., c. 51, s. 123. Mayor to be the head of the Council. Duties of Mayor.

ELECTION WHEN SEAT VACATED

591. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or become insolvent, within the meaning of the Insolvent Act of 1869, or 50 Seats vacated by crime, insolvency, absence, etc.

he apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or he absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby be- 5 come vacant, and the council shall declare the seat vacant and order a new election. 31 V., c. 30, s. 22.

New elections
provided for.

592. In any case provided for by sections five hundred and eighty-seven and five hundred and ninety-one, or in case a person elected to the council neglects or refuses to accept office, 10 or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the council caused by death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in 15 the office of the clerk, one of the members of the council shall forthwith by warrant under the signature of such head, clerk or member, and under the corporate seal, require the returning officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person 20 duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 29 & 30 V., c. 51, s. 125.

Term of office.

593. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for 25 which the office is to be filled. 29 & 30 V., c. 51, s. 126.

Non-election
of members
not to prevent
organization of
Council.

594. In case such non-election, neglect or refusal as aforesaid occurs previous to the organization of the council for the year the warrant for the new election shall be issued by the head or 30 a member of the council for the previous year, or by the clerk in like manner as provided for by the five hundred and ninety-second section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 29 & 30 V., c. 51, s. 127. 35

Time for hold-
ing and notice
of new elec-
tion.

595. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. 29 & 30 V., c. 40 51, s. 128.

APPOINTMENTS IF ELECTION NEGLECTED.

Appointment,
if election
neglected or
declined.

596. In case at any annual or other election, the electors, from any cause not provided for by the five hundred and eighty-first and five hundred and eighty-second sections, neglect or decline to elect the members of the council for a municipality on the day 45 appointed, or to elect the requisite number of members the other members of the Council, or if there are none then the members for the preceding year, or the majority of them, respectively, shall appoint so many qualified persons as will constitute or complete the number of members requisite; and the 50 persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect, as if elected. 29 & 30 V., c. 51, s. 129.

CONTESTED ELECTIONS.

597. In case the validity of the election or appointment of mayor or alderman is contested, the same may be tried in term or vacation by a judge of either of the Superior Courts of Common Law, or the clerk of the Crown and Pleas, sitting in Chambers, under the authority of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered eleven, or of any general rule made or to be made under the said Act, or the senior or officiating judge of the County Court of the county in which the election or appointment took place: any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose. 29 & 30 V., c. 51, s. 130.

Trial of contested elections or right to elect.

598. The proceedings for the trial shall be as follows:—

(1.) If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge or such clerk reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance, before the judge or said clerk, or before a commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the judge or clerk, upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge or clerk shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested; 29 & 30 V., c. 51, s. 131, sub-s. 1.

Time for limiting, and security and proof required.

Writ of quo warranto.

(2.) In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity both of the election complained of and the alleged election of the relator or other person; 29 & 30 V., c. 51, s. 131, sub-s. 2.

When Relator claims to be elected.

(3.) In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons; 29 & 30 V., c. 51, s. 131, sub-s. 3.

When several are complained of.

(4.) Where more writs than one are brought to try the validity of an election, all such writs shall be made returnable before the judge or clerk who is to try the first, and such judge or clerk may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 4.

All to be tried by the same Judge.

(5.) The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the crown in the county in which the election took place, and shall be returnable before the judge in chambers of the superior court at Toronto, or before the judge of the county court, or the said clerk of the crown and pleas, at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ; 29 & 30 V., c. 51, s. 131, sub-s. 5.

Writ, who to issue, and return day thereof.

Returning officer may be made a party.

(6.) The judge or clerk before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto; 29 & 30 V., c. 51, s. 131, sub-s. 6.

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Service to be personal, unless excused by Judge.

(7.) Every writ under this section shall be served personally unless the party to be served keeps out of the way to avoid personal service, in which case the judge or said clerk upon being satisfied thereof, by affidavit, or otherwise, may make an order for such substitutional service as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 7.

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Judge may allow persons to intervene.

(8.) The judge or clerk before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings; 29 & 30 V., c. 51, s. 131, sub-s. 8.

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Judge shall try summarily.

(9.) The judge or clerk shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, and may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by jury by writ of trial directed to any court named by the judge or clerk, or by one or more of these means, as he deems expedient; 29 & 30 V., c. 51, s. 131, sub-s. 9.

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And remove, admit or confirm.

(10.) In case the election complained of be adjudged invalid, the judge or said clerk shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge or clerk determines that any other person was duly elected, he shall forthwith order a writ to issue, causing such other person to be admitted, and in case he determines that no other person was duly elected, instead of the person removed, he shall by the writ cause a new election to be held; 29 & 30 V., s. 131, sub-s. 10.

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If all the members ousted, etc., writ for new election to go to the Sheriff.

(11.) In case the election of all the members of a council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein; 29 & 30 V., c. 51, s. 131; sub-s. 11.

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Defendant may disclaim.

(12.) Any person whose election is complained of may, within one week after service on him of the writ, transmit post paid through the post office, directed "to the clerk of the judges' chambers, at Osgoode Hall, Toronto," or to "the judge of the county court," of the county of (as the case may be) or may cause to be delivered to such clerk or judge, a disclaimer signed by him, to the effect following:

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Form of disclaimer.

"I, A. B., upon whom a writ of summons, in the nature of a

"*quo warranto*, has been served for the purpose of contesting
 "my right to the office of Alderman (*or as the case may be*) for
 "the city of _____, in the county of _____
 "do hereby disclaim the said office, and all defence of any right
 5 "I may have to the same."

Dated the _____

day of _____

(Signed)

A. B.

29 & 30 V., c. 51, s. 131, sub-s. 12.

(13.) Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed; 29 & 30 V., c. 51, s. 131, sub-s. 13. Posting and Registry of disclaimer.

(14.) Every person so disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council; 29 & 30 V., c. 51, s. 131, sub-s. 14. Duplicate disclaimer to be delivered to Clerk.

(15.) No costs shall be awarded against any person disclaiming as aforesaid, unless the judge or said clerk of the crown and pleas is satisfied that such party consented to his nomination as a candidate or accepted the office, in which cases the costs shall be in the discretion of the judge or clerk aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 15. Costs provided for.

(16.) In all cases not otherwise provided for, costs shall be in the discretion of the judge or clerk aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 16. When discretionary

(17.) Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows: Persons elected may disclaim at any time before his election is complained of.

30 "I, A. B., do hereby disclaim all right to the office of alderman (*or as the case may be*), for the city of _____ and all defence of any right I have to the same."

Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having the next highest number of votes shall then become the councillor, or as the case may be; 29 & 30 V., c. 51, s. 131, sub-s. 17. Disclaimer to operate as resignation.

(18.) The decision of the judge or clerk aforesaid shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of preceptory *mandamus*, and by writs of execution for the costs awarded; 29 & 30 V., c. 51, s. 131, sub-s. 18. Judge to return his judgment to the Court in term: it shall be final.

45 (19.) The judges of the superior courts of common law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *certiorari*, *mandamus* and execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for The Judges to make rules, etc.

disobeying the same or any other writ or order of the court or judge or clerk aforesaid, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid; 29 & 30 V., c. 51, s. 131' sub-s. 19.

Appoint-
ments equivalent to elec-
tions.

599. The appointment of members of the council, when required to be made under this Act shall be deemed elections within the preceding section, and in such cases the relator may 10 be any member of the council or any elector of the municipality or ward for which the appointment was made. 29 & 30, V.; c. 51, s. 132.

MEETINGS OF COUNCIL, &c.

First meetings
of Councils.

600. The members of the council, shall hold their first meeting at noon, on the third Monday of the same January in 15 which they are elected, or on some day thereafter at noon. 29 & 30 V., c. 51, s. 133.

Place of meet-
ings of Coun-
cils.

601. All the meetings of the council, shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on 20 the minutes, or by by-law, appoint. 29 & 30 V., c. 51, s. 138.

Meetings to be
open.

602. Every council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct. 29 & 30 V., c. 51, s. 140.

Special may
be closed
where held.

603. In case there is no by-law of the council fixing the place 25 of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council, expressed by resolution in writing, the public interest requires. 29 & 30 V., c. 51, s. 141. 30

Quorum.

604. A majority of the whole number of members required by law to constitute the council shall form a quorum. 29 & 30 V., c. 51, s. 142.

In Councils of
five three must
concur.

605. When the council consists of only five members, the con- current votes of at least three shall be necessary to carry any 35 resolution or other measure. 29 & 30 V., c. 51, s. 143.

Adjourn-
ments.

606. Every council may adjourn its meetings from time to time. 29 & 30 V., c. 51, s. 144.

WHO TO PRESIDE IN COUNCIL.

The Heads to
preside in
Council.

607. The head of the Council shall preside at the meetings of the council, and may at any time summon a special meeting 40 thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the council. 29 & 30 V., c. 51, s. 145.

Absence of
Head provid-
ed for.

608. In the absence of the head of the council, by leave of the council, or from illness, the council may, from among 45 the members thereof eligible to be elected head, appoint

a presiding officer, who, during such absence, shall have all the powers of the head of the council. 29 & 30 V., c. 51, s. 147.

- 609.** If the person who ought to preside at any meeting does not attend within minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29 & 30 V., c. 51, s. 148.
- Casual absence provided for.

- 610.** The head of the Council, or the presiding officer or Chairman of any meeting of the Council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 29 & 30 V., c. 51, s. 149.
- Head to vote.
Presumptur pro rugante, in case of ties.

RESIGNATION OF MEMBERS.

- 611.** The mayor or other member of a council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death. 29 & 30 V., c. 51, s. 151.
- Resignation of Heads provided for.
Vacancies how filled.

OFFICERS.

THE CLERK, AND DUTIES OF.

- 612.** The council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council; and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council; all which he shall so keep in his office, or in the place appointed by by-law of the council. 29 & 30 V., c. 51, s. 152.
- The Clerk and his duties.

- 613.** Any person may inspect any of the particulars aforesaid at all reasonable times; and the clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 29 & 30 V., c. 51, s. 153.
- Minutes, etc., to be open to inspection.
Copies to be furnished and charges therefor.

- 614.** The clerk shall, on or before the first day of December in each year, transmit to the Treasurer of the Province a true return of the number of resident rate-payers appearing on the revised assessment-roll of his municipality for the year, and shall accompany such return with an affidavit made before a justice of the peace verifying the same, in the following form:
- Clerk to transmit a yearly return of rate-payers to the Treasurer of the Province.

" I, A. B, clerk of the corporation of the city of _____
make oath and say, that the above (or the

Oath of verification.

"within written, or the annexed,) return, (as the case may be,) contains a true statement of the number of resident rate-payers appearing on the assessment-roll of the said city for the year one thousand eight hundred and

(Signed) A. B. 5

"Sworn before me, &c." 29 & 30 V., c. 51, s. 154.

Penalty for default.

615. And in case of default in any year so to transmit, the clerk shall be liable to a penalty of twenty dollars, to be paid to the Treasurer of the Province for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this Act. 29 & 30 V., c. 51, s. 155. 10

To make a yearly return to the Secretary and Registrar of the Province.

616. The clerk shall, in each year, before the first day of February, make a return to the Secretary and Registrar of the Province, of the following particulars respecting his municipality for the year then last past, namely: 15

What such return shall show.

Heads of columns in Assessment-Rolls, to be varied according to the form of the Assessment-Rolls required by law.

- | | | | |
|-------|---|---|----|
| { | (1.) | Number of persons assessed. | |
| | (2.) | Number of acres assessed. | |
| | (3.) | Total actual value of real property. | |
| | (4.) | Total of taxable incomes. | 20 |
| | (5.) | Total value of personal property. | |
| | (6.) | Total amount of assessed value of real and personal property. | |
| | | | |
| (7.) | Total amount of taxes imposed by by-laws of the corporation. | 25 | |
| (8.) | Total amount of taxes imposed by by-laws of the county council. | | |
| (9.) | Total amount of taxes imposed by by-laws of any provisional county council. | | |
| (10.) | Total amount of lunatic asylum or other provisional tax. | 30 | |
| (11.) | Total amount of all taxes as aforesaid. | | |
| (12.) | Total amount of income collected or to be collected from assessed taxes for the use of the corporation. | | |
| (13.) | Total amount of income from licenses. | 35 | |
| (14.) | Total amount of income from public works. | | |
| (15.) | Total amount of income from shares in incorporated companies. | | |
| (16.) | Total amount of income from all other sources. | | |
| (17.) | Total amount of income from all sources. | 40 | |
| (18.) | Total expenditure on account of roads and bridges. | | |
| (19.) | Total expenditure on account of other public works and property. | | |
| (20.) | Total expenditure on account of stock held in any incorporated company. | 45 | |
| (21.) | Total expenditure on account of schools and education, exclusive of school trustees' rates. | | |
| (22.) | Total expenditure on account of the support of the poor or charitable purposes | | |
| (23.) | Total expenditure on account of debentures and interest thereon. | 50 | |
| (24.) | Total gross expenditure on account of administration of justice in all its branches. | | |

- (25.) Amount received from government on account of administration of justice.
- (26.) Total net expenditure on account of administration of justice.
- 5 (27.) Total expenditure on account of salaries, and the expenses of municipal government
- (28.) Total expenditure on all other accounts.
- (29.) Total expenditure of all kinds.
- (30.) Total amount of liabilities secured by debentures.
- 10 (31.) Total amount of liabilities unsecured.
- (32.) Total liabilities of all kinds.
- (33.) Total value of real property belonging to the corporation.
- (34.) Total number of sheep worried by dogs, and the amount paid therefor by the corporation.
- 15 (35.) Total value of stock in incorporated companies owned by the corporation.
- (36.) Total amount of debts due to the corporation.
- (37.) Total amount of arrears of taxes.
- 20 (38.) Balance in hands of treasurer.
- (39.) All other property owned by the corporation.
- (40.) Total assets; 29 & 30 V., c. 51, s. 156, and 31 V., c. 30, s. 23.

617. The Treasurer of the County shall retain in his hands 25 any moneys payable to any city, if it is certified to him by the Clerk of the County that the Clerk of such city has not made the Return hereinbefore required; and the Treasurer of the Province shall retain in his hands any moneys payable to any city if it is certified to him by 30 the Secretary and Registrar of the Province that the Clerk of such city has not made the Returns hereinbefore required; and any person so required to make any Return by a particular day who fails so to do, shall be liable to a penalty of twenty dollars, to be paid to the Treasurer of the 35 Province, for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this Act. 29 & 30 V., c. 61, s. 159.

Moneys to be retained if returns not made.

618. The Secretary and Registrar of the Province shall, as 40 soon as may be after the commencement of every Session, lay before the Legislative Assembly a copy of all Returns hereinbefore required to be made. 29 & 30 V., c. 51, s. 160.

Secretary and Registrar to lay the returns before Parliament.

CHAMBERLAIN.

619. The Council shall appoint a chamberlain; and every 45 chamberlain before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; provided that it shall be the duty of the Council in each and every year to enquire into the validity of the security given by such 50 chamberlain and report thereon. 29 & 30 V., c. 51, s. 161.

Chamberlain to be appointed. To give security. Provide.

620. Every chamberlain shall receive and safely keep all moneys belonging to the Corporation, and shall payout the same to such persons and in such manner as the Laws of the Province and the lawful By-laws or resolutions of the Council direct;

To receive and take care of, and disburse moneys, etc.

His liability limited.

but no member of the Council shall receive any money from such chamberlain for any work performed or to be performed; and such chamberlain shall not be liable to any action at law for any moneys paid by him in accordance with any By-law or resolution passed by the Council. 29 & 30 V., c. 51, s. 162. 5

To make a return yearly to the Provincial Board of Audit.

How attested, and what it must show.

621. The chamberlain of every municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such city, transmit to the Board of Audit, on or before 10 the Fifteenth day of January in every year, a Return, certified on the oath of the chamberlain before some Justice of the Peace, containing the amount of taxable property in the city according to the then last Assessment-Roll or Rolls,—a true Account of all the Debts and Liabilities of 15 the city for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of the municipality, as the Lieutenant Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, 20 account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, and in any court or any way in which debts due to the Crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove by any one witness or other evidence, that 25 such account return information or particulars ought to have been transmitted by the defendant as alleged on the part of the Crown and the onus of proving that the same was so transmitted shall rest on the defendant; and it shall also be the duty of such chamberlain to prepare and submit to the council half 30 yearly, a correct statement of the moneys at the credit of the city; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such chamberlain to draw any moneys belonging to such city. 29 & 30 V., c. 51, s. 163. 35

ASSESSORS AND COLLECTORS.

Assessors and Collectors appointments and qualification of.

622. The council shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the side offices as soon as may be convenient after the same occurs; 40 but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same property qualification as that required for a councillor; the same person may be appointed assessor or collector for more than one ward, or electoral division. 29 & 30 V., c. 51, s. 164. 45

Assessors to designate freeholders and householders in their Assessment Rolls.

623. The assessors shall state in their assessment rolls, whether the persons named therein are freeholders, householders or tenants, and shall, in separate columns for this purpose, use the initial letters F, H or T, to signify the same respectively. 31 V., c. 30, s. 24. 50

Householder defined.

624. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door shall be deemed a householder within this Act. 20 & 30 V., c. 51, s. 166.

AUDITORS.

625. The council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the Council nominates; but no one who, at such time, or during the preceding year is or was a member, or is or was clerk or chamberlain of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the township, except as auditor, shall be appointed an auditor. 29 & 30, V. c. 51, s. 169.

Auditors.

Disqualification for office of.

626. The auditors shall examine and report upon all accounts affecting the township, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. 29 & 30, V. c. 51, s. 170.

Duties of.

627. The auditors shall prepare an abstract of the receipts, expenditures and liabilities of the township, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or rate payer of the municipality may inspect one of such duplicate reports at all seasonable hours, and may by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. 29 & 30, V. c. 51, s. 171.

To prepare an abstract and detailed statement of Receipts and Expenditures, etc.

628. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the city; and in case of charges not regulated by law, the council shall allow what is reasonable. 29 & 30, V. c. 51, s. 172.

The Council to audit finally.

629. The clerk shall publish the auditors' abstract and report (if any) and shall also publish the detailed statement in such form as the council directs. 29 & 30 V., c. 51, s. 173.

Clerk to publish Abstracts and Statements.

SALARIES AND CONTINUANCE IN OFFICE.

630. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature or by the council, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council; 29 & 30 V., c. 51, s. 176.

Salaries of officers.

631. The chamberlain may be paid a salary or percentage; and all officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council having jurisdiction over such officers; 29 & 30 V., c. 51, s. 177.

Of Chamberlain.

OFFICIAL DECLARATIONS.

632. Every person elected or appointed under this Act to

Declaration of qualification.

any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following :

Form of.

" I, A B., do solemnly declare that I am a natural born (or 5
 " *naturalized*) subject of Her Majesty ; and have and had to my
 " own use and benefit in my own right (or *have and had in*
 " *right of my wife as the case may be*), as proprietor (or *tenant*
 " *as the case may be*) at the time of my election to the office of
 " hereinafter referred to (or *appointment as the* 10
 " *case may require*) such an estate as does qualify me to act in
 " the office of (*naming the office*) for (*naming the place for*
 " *which such person has been elected or appointed*) and that
 " such estate is (*the nature of the estate to be specified as an*
 " *equitable estate of leasehold or otherwise as the case may re-* 15
 " *quire, and if land, the same to be designated by its local*
 " *description, rents or otherwise*), and that such estate at the
 " time of my election (or *appointment as the case may require*),
 " was of the value of at least (*specifying the value*) over and
 " above all charges, liens and incumbrances affecting the same." 20
 29 & 30 V., c. 51, s. 178.

Declaration of
 office.

633. Every returning officer and returning officer's clerk, every councillor, every clerk, assessor, collector, constable and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn 25
 declaration to the effect following :

Form of.

" I, A. B., do solemnly promise and declare, that I will truly,
 " faithfully and impartially, to the best of my knowledge and
 " ability, execute the office of (*inserting the name of the office*)
 " to which I have been elected (or appointed) in this city 30
 " and that I have not received and will not receive any pay-
 " ment or reward, or promise of such, for the exercise of any
 " partiality or malversation or other undue execution of the
 " said office, and that I have not by myself or partner, either
 " directly or indirectly, any interest in any contract with or on 35
 " behalf of the corporation." 29 & 30 V. c. 51 s. 179.

Denial of dis-
 qualifying in-
 terest, who to
 take.

634. The solemn declaration to be made by every mayor and alderman, shall also state that he has not by himself or his partner an interest in any contract with or on behalf of the corporation. 29 & 30 V. c. 51 s. 180. 40

Auditor's de-
 claration.

635. The solemn declaration to be made by every auditor shall be as follows :

Form of.

" I, A. B., having been appointed to the office of auditor for
 " the municipal corporation of , do hereby promise and
 " declare that I will faithfully perform the duties of such office 45
 " according to the best of my judgment and ability ; and I do
 " solemnly declare, that I had not directly or indirectly any
 " share or interest whatever in any contract or employment
 " (*except that of auditor, if re-appointed*) with, by or on be-
 " half of such municipal corporation, during the year preceding 50
 " my appointment, and that I have not any contract or employ-
 " ment (*except that of auditor, if re-appointed*) for the present
 " year." 29 & 30, V. c. 51, s. 181.

636. The head and other members of the council and the subordinate officers of the municipality, shall make the declaration of office and qualification before some court, judge, police magistrate or other justice of the peace having jurisdiction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of the municipality, 29 & 30, V. c. 51, s. 182.

Heads and other members of the Council before whom to declare.

637. The court, judge or other person before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. 29 & 30, V. c. 51, s. 183.

Certificate of declaration.

638. The head of any council, any alderman, any justice of the peace and clerk of a municipality, may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration. 29 & 30 V., c. 51, s. 184.

The Heads of Council may administer oaths.

639. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 29 & 30 V., c. 51, s. 185.

Oath or declaration to be subscribed and kept.

640. Every qualified person duly elected or appointed to be a mayor, alderman, assessor or collector of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who, upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more justices of the peace under and subject to the Consolidated Act of Canada respecting the duties of justices of the peace out of sessions, in relation to summary convictions and orders, forfeit not more than eighty dollars nor less than eight dollars, at the discretion of such justices, to the use of the municipality, together with the cost of prosecution. 29 & 30 V., c. 51, s. 186.

Penalty for refusing to accept office, or take the oaths etc.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

641. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the township; and no such person or officer shall refuse or fail to deliver up or pay over the same respectively to the township, or to any person authorized by the council to demand them, but nothing herein shall affect any remedy of the corporation or of any other person against the offender or his sureties, or any other party. 29 & 30 V., c. 51, s. 187.

Embezzlement of books, money, etc.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

Stealing or destroying, etc., certain documents relating to municipal elections.

642. No person shall unlawfully or maliciously, either by violence or stealth, take from any deputy returning officer or poll clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroy, injure or obliterate, or cause to be wilfully or maliciously destroyed, injured or obliterated, or make or cause to be made any erasure, addition of names or interlineation of names into or upon, or aid, counsel or assist in so taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon, any writ of election or any return to a writ of election, or any indenture, poll book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections. 29 & 30 V., c. 51, s. 188.

JURISDICTION OF THE COUNCIL.

Local jurisdiction of councils.

643. The jurisdiction of the council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given, and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for. 29 & 30 V., c. 51, s. 190.

General power to make local regulations.

To regulate meetings and proceedings.
To repeal or alter by-laws.

644. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council,—the conduct of its members,—and the appointing or calling of special meetings of the council; and generally, such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 29 & 30 V., c. 51, s. 191.

BY-LAWS OF THE COUNCIL.

HOW AUTHENTICATED.

How by-laws to be authenticated.

645. Every by-law of the council shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 29 & 30 V., c. 51, s. 192.

Certified copies to be evidence.

646. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures, have been forged. 29 & 30 V., c. 51, s. 193.

OPPOSITION TO BY RATE-PAYERS.

Opposition by-laws applied for by ratepayers. Provision for.

647. In case any person rated on the assessment-roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by

the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend, in person or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 29 & 30 V., c. 51, s. 194.

648. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 29 & 30 V., c. 51, s. 195.

When by-laws shall not pass.

PROCEEDINGS WHEN THE ASSENT OF THE ELECTORS IS REQUIRED

649. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for. 29 & 30 V., c. 51, s. 196.

If a by-law requires the assent of the electors.

(1.) The council shall by the by-law fix the day, hour and place for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for; 29 & 30 V., c. 61, s. 196, sub-s. 1.

Time and place of voting shall be fixed by by-law.

(2.) The council shall, for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the by-law at four or more of the most public places in the municipality; 29 & 30 V., c. 51, sub-s. 2.

Proposed by-law to be published.

(3.) Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication, in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors; 27 & 30 V., c. 51, s. 196, sub-s. 3.

Notice to be given.

(4.) At such day and hour a poll shall be taken and all proceedings thereat and for the purpose thereof, shall be conducted

poll.

in the same manner, as nearly as may be, as at a municipal election; 29 & 30 V., c. 51, s. 196, sub-s. 4.

Verified poll
book to be
returned.

(5.) Every returning officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration in writing under his hand thereto annexed to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to the clerk of the county council, every poll-book so delivered to him; 29 & 30 V., c. 51, s. 196, sub-s. 5.

10

Clerk to sum
up and declare
result.

(6.) The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll books among the records of his office; 29 & 30 V., c. 51, s. 196, sub-s. 6.

15

WHAT FREEHOLDER MAY VOTE ON A BY-LAW.

Freeholder en-
titled to vote
requisites.

650. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or a naturalized subject of Her Majesty and has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders; and is at the time of tender of the vote a freeholder, either at law or in equity, in his own right, or in right of his wife, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named, or purported to be named in the list of electors. 29 & 30 V., c. 51, s. 196, sub-s. 7.

WHAT LEASEHOLDER MAY VOTE ON A BY-LAW.

Leaseholder
entitled to
vote requisites.

651. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken, for one month next before the vote, and who is, or whose wife is, a leaseholder within such municipality, which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the list of electors. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10, 46, 47.

OATH BY FREEHOLDER ON A BY-LAW.

Oath, etc., re-
quired of Free-
holders offer-
ing to vote.

652. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the

Form.

full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own right, (or in right of his wife, as the case may require), within the municipality for which the vote is taken; that he has not voted before on the by-law in the ward in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors; and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, ss. 196, 77, 101, sub-s. 8; 31 V., c. 30, s. 47. See also 31 V., c. 30, ss. 9, 46, and ss. 15 of this Act.

OATH BY A LEASEHOLDER ON A BY-LAW.

653. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next before the vote; that he (or his wife, as the case may require), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes; that he has not before voted on the by-law in the ward in which he is voting; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, in the list of electors; and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8. See also 31 V., c. 30, ss. 9, 10, 46, 47, and sections 15 of this Act.

Oath, etc., required of leaseholder offering to vote.
Form.

WHEN REQUIRING THE ASSENT OF THE LIEUTENANT-GOVERNOR IN COUNCIL.

654. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the Treasurer and Clerk thereof and by such other persons and on such other evidence as to the Lieutenant-Governor in council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Lieutenant-Governor in council will accept. 29 & 30, V. c. 51, s. 197.

When the assent of the Lieutenant-Governor is required to by-laws.

WHEN AND HOW QUASHED.

655. In case a resident of a municipality, or any other

When and how quashed.

person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit, that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court, after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality, and according to the result of the application, award costs for or against the corporation; Provided always, that no application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within one year from the passing of such by-law, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of such electors or rate-payers, and in such case an application to quash such by-law may be made at any time. 29 & 30 V., c. 51, s. 198.

Proviso; time within which the application must be made.

WHEN CONFIRMED BY PROMULGATION.

Time after which by-law cannot be quashed, if properly promulgated.

656. In case a by-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the by-law shall be entertained after six months have elapsed since the promulgation. 29 & 30 V., c. 51, s. 199.

What shall be such promulgation.

657. Every special promulgation of a by-law within the meaning of this Act shall consist in the publication, through the public Press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof. 29 & 30 V., c. 51, s. 200.

And if the by-law impose any rate.

658. In the case of a by-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of the by-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the municipality; or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest the municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper. 29 & 30 V., c. 51, s. 201.

Notice to be given.

659. The notice to be appended to every copy of a by-law for the purpose aforesaid, shall be to the effect following:

Form of such notice.

"NOTICE.—The above is a true copy of a by-law passed by the municipal council of the city of A, in the county of B, one of the united counties of B, C and D (or as the case may be) on the day of , 18 , and (where the approval of the Lieutenant Governor in Council is by law required to give effect to such by-law) approved by the Lieutenant Governor."

nor in council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of
 5 Her Majesty's superior courts of common law at Toronto, within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or
 10 he will be too late to be heard in that behalf.

G. H.,

City Clerk."

29 & 30 V., c. 51, s. 202.

660. The notice setting forth the amount of the rate and
 15 giving the substance only of the other parts of the by-law, for the purpose aforesaid, shall be to the effect following : Notice setting forth the rate, and substance of by-law.

"City of A, in the County of B, in Ontario, to wit :

Notice is hereby given, that a by-law, intituled, (*set out the title*) and numbered (*give the number by which the by-law is*
 20 *designated*), was on the day of , 18 , passed by the municipal council of the city of A, in the county of B, for the purpose of (*here set out in substance the object of the by-law*) as "raising the necessary funds to meet the general public expenses of the city of for the year 18 " ; or "for
 25 the purpose of raising and contracting for a loan of dollars, for making and macadamizing a road from to " (*or otherwise, as the case may be*) and, (*where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law*), approved by the Lieutenant-
 30 Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of
 35 Her Majesty's Superior Courts of Common Law at Toronto, within six calendar months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

40

G. H.,

City Clerk."

29 & 30, V. c. 51, s. 203.

661. In case no application to quash any by-law, be made
 45 within the time limited for that purpose, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, as far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the
 50 time or manner of passing the same, be a valid by-law. 29 & 30 V.c. 51, s. 204. If not moved against within the time limited to be valid.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

662. In case a by-law, order or resolution be illegal in Liability of

municipality
for acts done
under a by-law
afterwards
quashed.

whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution, 29 & 30, V. c. 51, s. 205.

TENDER OF AMENDS BY.

Tender of
amends.

663. In case the corporation tenders amends to the plaintiff or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29 & 30, 15 V. c. 51, s. 206.

OFFENCES AGAINST BY-LAWS.

Certain of-
fences respect-
ing by-laws to
be misde-
meanor.

664. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law, illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it; 29 & 30 V., c. 51, s. 207.

Jurisdiction to
try offences
against Sum-
mary proceed-
ings.

665. In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence; 29 & 30 V., c. 41, s. 208.

Evidence.

666. The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender; 29 & 30 V., c. 51, s. 209.

Penalty and
costs.

How levied.

Commitment
in default of
distress.

667. In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up-house, for the term or some part thereof, specified in the by-law; 29 & 30 V., c. 51, s. 210.

Fines, how ap-
plied.

668. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the corporation, unless the prosecution is brought in the name of the corporation, and in that case the whole of the pecuniary penalty shall be paid to the corporation; 29 & 30 V., c. 51, s. 211.

669. The police magistrate, or when there is no police magistrate, the mayor shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws and for penalties for refusing to accept office in the city, or to make the necessary declarations of qualification and office. 29 & 30 V., c. 51, s. 212.

Jurisdiction of Mayors and Police Magistrates over penal offences.

DEBENTURES, &c.

HOW TO BE MADE.

670. All debentures and other specialities duly authorized to be executed on behalf of the corporation of a municipality shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law, is properly applied to the payment of the interest and principal of such debentures. 29 & 30 V., c. 51, s. 213.

Debentures, bonds, etc., how to be executed.

TRANSFERABLE BY DELIVERY, &c.

671. Any debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any municipal corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 214.

Transferable.

672. Any debenture issued as aforesaid and made payable to any person or order, shall, (after the endorsement thereof in blank, by such person,) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 215.

Or if endorsed in blank when payable to order.

673. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debenture, (alleging the endorsement in blank, if any) and shortly to state its legal effect and purport, and to make proof accordingly. 29 & 30 V., c. 51, s. 216.

In pleading sufficient to describe the plaintiff as the holder.

674. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon. 29 & 30 V., c. 51, s. 217.

Full amount recoverable though not negotiable at interest exceeding six per cent or below par.

RESTRICTIONS UPON COUNCILS.

675. No council shall unless specially authorized so to do, Restrictions

upon Councils
as to issuing
bills, bonds,
etc.

Proviso.

make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void. Provided always that nothing herein contained, shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enacts that "no council shall act as bankers or issue any bond, bill, note, debenture or other undertaking of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie or to pass as money; and any bond, bill, note, debenture or other undertaking issued in contravention of the said section two hundred and eighteen shall be void: and that in case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange, any bond, bill, note, debenture or undertaking of any kind, or in any form in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor: and that no council shall have power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on an person exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling;" 29 & 30 V., c. 51, ss. 218, 219 and 220.

Except as to
ferry.

676. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the said Dominion; 29 & 30 V., c. 51, s. 221; see the B. N. A. Act, 1867, s. 91, sub-s. 13.

Contracts by
members with
the corpora-
tion void in
law if void in
equity.

677. In case a member of the council of the municipality either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void in equity, the same contract, purchase, or sale, shall also be held void in any action at law thereon against the corporation; 29 & 30 V., c. 45 51, s. 222.

COST OF MANDAMUS.

Costs of man-
damus.

678. Upon any application for a writ of *mandamus* for or against the corporation of the municipality, the courts may, in their discretion, grant and refuse costs. 29 & 30 V., c. 51, s. 223.

50

EXECUTION AGAINST THE CORPORATION.

Proceedings
on writs of ex-

679. Any writ of execution against the corporation of the municipality, may be endorsed with a direction to the sheriff

to levy the amount thereof by rate, and the proceedings thereon shall then be the following: 29 & 30 V., c. 51, s. 224. Execution against municipalities.

(1.) The sheriff shall deliver a copy of the writ and endorsed Sheriff to deliver statement to Treasurer. ment to the treasurer, or leave such copy at the office or dwelling house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service; 29 & 30 V., c. 51, s. 224, sub-s. 1.

10 (2.) In case the amount with interest thereon from the day mentioned in the statement, be not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls, of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's per centage, up to the time when such rate will probably be available; 29 & 30 V., c. 51, s. 224, sub-s. 2. If not paid a rate to be struck.

20 (3.) The sheriff shall thereupon issue a precept or precepts under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates; 29 & 30 V., c. 51, s. 224, sub-s. 3. Sheriff precept to levy.

30 (4.) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A. B., vs. The City of _____" Who to collect the rate. (or as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage; 29 & 30 V., c. 51, s. 224, sub-s. 4.

(5.) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation; 29 & 30 V., c. 51, s. 224, sub-s. 5. Surplus.

(6.) The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them; 29 & 30 V., c. 51, s. 224, sub-s. 6. Clerk, assessors, and collectors to be officers of the court from which writ issues.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Nearly rates
to be levied
sufficient to
pay all debts
payable within
the year. Ag-
gregate rate
limited.

Proviso.

680. The council shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no council shall assess and levy in any one year more than an aggregate rate of 5 two cents in the dollar on the actual value, exclusive of school rates; unless and except only in those cases, and as heretofore specially authorized in that behalf: Provided always that nothing herein contained shall be construed to affect so much of the provisions of section two hundred and twenty-five of the 10 Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of her present Majesty and chaptered fifty-one, which enacts that if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses 15 of the municipality, and the interest and principle of the debts contracted by such municipality at the time of passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality shall levy such further rates as may be ne- 20 cessary to discharge obligations already incurred, but should contract no further debts until the annual rates required to be levied within such municipality were reduced within the aggregate rate aforesaid. 29 & 30 V., c. 51, s. 225.

Manufactur-
ing establish-
ment exempt-
ed.

681. Every municipality shall have power of exempting any manufacturing establishment from taxation for any period not 25 longer than five years. 33 V., c. 26, s. 15.

BY-LAWS TO CREATE DEBTS, ETC.

By-laws for
creating debts.

682. Every council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose with- 30 in the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions: 29 & 30 V., c. 51, s. 226.

Terms of.
When to take
effect.

(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which 35 the same is passed, when the by-law shall take effect; 29 & 30 V., c. 51, s. 226, sub-s. 1.

When debt to
be redeemed.
If for gas,
works, etc.

(2.) If not contracted for gas or water works, or for the purchase of public works, according to this act or other acts relating thereto, the whole of the debt and the obligations to be 40 issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect; 29 & 30 V., c. 51, s. 226, 45 sub-s. 2.

To provide a
yearly rate.

(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for pay- ing the debt and interest; 29 & 30 V., c. 51, s. 226 sub-s. 3.

(4.) Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable; 29 & 30 V., c. 51, s. 226, sub-s. 4.

To be sufficient in amount.

(5.) The amount of ratable property shall be ascertained 5 irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irre- 10 spectively of any income from the temporary investment of the sinking fund or of any part thereof; 29 & 30 V., c. 51, s. 226, sub-s. 5.

Irrespective of future increase of ratable property.

(6.) The by-law shall recite: (1.) The amount of the debt 15 which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (3.) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized 20 assessment rolls; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately and how much (if any) interest is in arrears; and, (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal 25 of the new debt, according to this Act. 29 & 30 V., c. 51, s. 226, sub-s. 6.

Recitals in: Amount and object of debt.

The yearly rate for the debt. The value of valuable property

The yearly rate for sinking fund and interest.

683. Every by-law (except for drainage as provided for 30 under the section of this Act) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the section of this Act. 29 & 30 V., c. 51, s. 227.

To be assented to by electors.

PURCHASE OF PUBLIC WORKS.

684. Any council may contract a debt to Her Majesty, in 35 the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or the Dominion of Canada; and may execute such bonds, deeds, covenants, and other securities to Her Majes- 40 ty, as the council may deem fit, for the payment of the price of any such public work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or trans- 45 fer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid although no special or other rate per annum has been settled or imposed to be levied in each year, as provided by sections six hundred and eighty- 50 two and six hundred and eighty-three of this Act; 29 & 30 V., c. 51, s. 229; see C. A. 31 V., c. 12, ss. 54, 55, 56, 57.

Municipal councils may purchase public works and contract debts without imposing a yearly rate as provided in the three last sections.

(1.) But any council may in any by-law to be passed for the creation of any such debt, or for the executing any such bonds, 5 Rates may be imposed for

the payment of debts contracted with the Crown for such works.

deeds, covenants or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property 5 within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-law shall be valid, although the rate settled or imposed thereby be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, 10 apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 29 & 15 30 V., c. 51, s. 229, sub-sec. 2.

Purchase of claims due to Government.

(2.) The council purchasing any claim under chapter seven of the consolidated statutes for Upper Canada, respecting the sale and purchase of claims due to government for moneys advanced to public works, may raise by assessment the sum necessary to pay the consideration agreed upon. 29 & 30 V., c. 51, s. 229, sub-sec. 3.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

Two special accounts to be kept: 1, of the special rates; 2, of the sinking fund.

685. Every council shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, of every debt, to be both distinguished from all other accounts 25 in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 29 & 30 V., c. 51, s. 30 230.

When surplus to be carried to the sinking fund account.

686. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and 35 may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account of such debt. 29 & 30 V., c. 51, s. 231.

HOW SURPLUS TO BE INVESTED.

How surplus to be disposed of.

687. Every council shall, from time to time, invest in gov- 40 ernment securities, or otherwise, as the Lieutenant-Governor in council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof as cannot be immediately applied towards paying the debt by the reason 45 of no part thereof being yet payable; and the council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the special rate to be applied, but the Lieutenant-Governor in Council may, by order, direct that such part of the produce of the 50 special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of be-

Investments, how to be made.

Application of moneys with consent of Governor in Council.

ing so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said council can agree for, of any part of such debt or of any of the debentures representing 5 or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order.

10 29 & 30 V., c. 51, s. 232.

APPROPRIATION OF SURPLUS.

688. The council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the 15 treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt. 29 & 30 V. c. 51, s. 233.

Council may apply other funds towards such debts.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

689. When part only of a sum of money provided by a by-law has been raised, the council may repeal the by-law as to 20 any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved 25 by the Lieutenant-Governor in Council. 29 & 30 V. c. 51, s. 234.

When part only of a debt has been incurred the by-law may be repealed pro tanto.

690. After a debt has been contracted, the council shall not until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying 30 the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied 35 under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the corporation treasury which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 29 & 30 V., c. 51, s. 235.

By-laws not repealed and appropriations not recoverable till debt paid.

WHEN SPECIAL RATE MAY BE REDUCED.

691. In case in any particular year, one or more of the following sources of revenue, namely: (1.) The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and (2.) The sum on hand from previous 40 years; and (3.) Any sum derived for such particular year from the surplus income of any work or of any share or interest therein applicable to the sinking fund of the debt; and (4.) Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it and carried to the credit of the special rate and sinking fund accounts respectively, 45 amount to more than the annual sum required to be raised as a

When the rate imposed by by-law may be reduced by law.

special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised as a special rate. 29 & 30 V., c. 51, s. 236.

Recitals requisite in such by-law.

692. But the by-law shall not be valid unless it recites:—

(1.) The amount of the special rate imposed by the original 10 by-law;

(2.) The balance of such rate for the particular year or on hand from former years;

(3.) The surplus income of the work, share or interest therein received for such year; and 15

(4.) The amount derived for such year from any temporary investment of the sinking fund—

Reduced rate to be named. To be approved of by the Governor.

Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law—Nor unless the by-law be afterwards approved by the Lieutenant-Governor in 20 Council. 29 & 30 V., c. 51, s. 237.

ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations may be made.

693. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and re- 25 strictions following: 29 & 30 V., c. 51, s. 238.

What funds may be so appropriated.

(1.) The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(a.) Of any money at the credit of the special rate account of 30 the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise:

(c.) And of any money derived from any temporary invest- 35 ment of the sinking fund;

(d.) And of any surplus money derived from any corporation work or any share or interest therein;

(e.) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appro- 40 priated; 29 & 30 V., c. 51, s. 238, sub-s. 1.

The sources to be distinguished.

(2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to

be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year ; 29 & 30 V., c. 51, s. 238, sub-s. 2.

- (3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. 29 & 30 V., c. 51, s. 238, sub-s. 3.

When sufficient, the yearly rate may be suspended for the future year.

694. The by-law shall not be valid unless it recites :

By-law must recite,

- (1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created ; 29 & 30 V., c. 56, s. 239, sub-s. 1.
- (2.) The amount, if any, already paid of the debt ; 29 & 30 V., c. 51, s. 239, sub-s. 2.
- (3.) The annual amount of the sinking fund appropriation required in respect of such debt ; 29 & 30 V., s. 239, sub-s. 3.
- (4.) The total amount then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ; 29 & 30 V., c. 51, s. 239, sub-s. 4.
- (5.) The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation ; 29 & 30 V., c. 51, s. 239, sub-s. 5.

Original debt.

Amount paid.

The amount of sinking fund yearly.

The amount in hand.

The amount required for next year's interest.

- (6.) That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it,) and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year ; 29 & 30 V., c. 51, s. 239, sub-s. 6.

And that it is reserved.

- (7.) No such by-law shall be valid unless approved by the Lieutenant-Governor in council ; 29 & 30 V., c. 51, s. 239, sub-s. 7.

By-law to be approved by Governor.

REPORT OF DEBTS TO BE MADE YEARLY.

- 695.** Every council shall, on or before the thirty-first day of January in each year, transmit to the Lieutenant-governor, through the Secretary and Registrar of the province, an account of the several debts of the corporation, as they stood on the thirty-first of December preceding, specifying in regard to every debt of which a balance remained due at that day ; 29 & 30 V., s. 241.

Every Council to make a yearly report of the state of the debts to the Governor, etc.

- (1.) The original amount of the debt ;
- (2.) The date when it was contracted ;
- (3.) The days fixed for its payment ;
- (4.) The interest to be paid therefor ;

What such report must show.

(5.) The rate provided for the redemption of the debt and interest;

(6.) The proceeds of such rate for the year ending on such thirty-first day of December;

(7.) The portion (if any) redeemed of the debt during such 5 year;

(8.) The amount of interest (if any) unpaid on such last mentioned day; and

(9.) The balance still due of the principal of the debt.

Lieutenant-Governor may prescribe a form of account.

696. The form of the account may from time to time be prescribed by the Lieutenant-Governor in council. 29 & 30 V., c. 51, s. 242. 10

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

When a commission of enquiry may issue.

697. In case one-third of the members of any council petition for a commission to issue under the great seal, to inquire into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Lieutenant-Governor in council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases. 29 & 30 V., c. 51, s. 243. 15 20

Expenses of such commission provided for.

698. The expenses to be allowed for executing the commission shall be determined and certified by the Secretary and Registrar of the province, or his deputy, and shall become thenceforth a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the treasurer of the corporation. 29 & 30 V., c. 51, s. 244. 25 30

BY LAWS.

POWER TO PASS BY-LAWS.

Council may make by-laws:

699. The council may pass by-laws. 29 & 30 V. c. 51, s. 246.

OBTAINING PROPERTY.

for obtaining property, real and personal, etc.;

(1.) For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required; 29 & 30 V., c. 51, s. 246, sub-sec. 1. 35

APPOINTING CERTAIN OFFICERS.

(2.) For appointing such,—
Pound-keepers,
Fence-viewers,
Overseers of Highways,

Road Surveyors,
Road Commissioners,
Valuators;

—29 & 30 V., c. 51, s. 246, sub-sec. 2. 40

And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendant or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendant or overseer, in the same manner as councillors are paid; and all payments before the fourth day of March, in the year one thousand eight hundred and sixty-eight, made by any municipality to any commissioner, superintendant or overseer, acting as such, are hereby declared to be legal, but this section shall not in any way effect any judgment theretofore obtained or any suit or proceeding theretofore commenced; 31 V., c. 30, s. 25.

To appoint officers.

(3.) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; 20 & 30 V., c. 51, s. 246, sub-s. 3.

To fix fees and securities.

AIDING AGRICULTURAL AND OTHER SOCIETIES.

(4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the Municipality; 29 & 30 V., c. 51, s. 246, sub-s. 4.

For aiding agricultural societies.

CENSUS.

(5.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality; 29 & 30 V., c. 51, s. 246, sub-s. 5.

Local census.

FINES AND PENALTIES.

(6.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,—

Fines and penalties for neglect of duty.

(a.) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof; and

(b.) For breach of any of the by-laws of the corporation; 29 & 30 V., c. 51, s. 246, sub-s. 6.

(7.) For collecting such penalties by distress and sale of the goods and chattels of the offender; 29 & 30 V., c. 51, s. 246, sub-s. 7.

levying penalties by distress

(8.) For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house in some town or village in the township of the county, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied; 29 & 30 V., c. 51, s. 246, sub-s. 8.

Imprisonment when allowed, and time of.

BILLIARD TABLES.

Licensing and
regulating
billiard tables.

(9.) For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard-table, or who keep or have a billiard table in a house or place of public entertainment or resort, whether such billiard-table is used or not, 5 and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force; 29 & 30 V., c. 51, s. 264, sub-s. 1.

VICTUALLING HOUSE, ETC.

Victualing
houses, num-
ber and regu-
lation of.

(10.) For limiting the number of and regulating victualling houses, ordinaries, houses where fruit, oysters, clams or victuals 10 are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public; and 29 & 30 V., c. 51, s. 264, sub-s. 2.

License and
fee for same.

(11.) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding 15 twenty-dollars. 29 & 30 V., c. 51, s. 264, sub-s. 3.

PUBLIC HEALTH.

Members of
Council to be
health officers.

700. The members of the council shall be health officers within their respective municipalities, under the Consolidated Statutes for Upper Canada, respecting the public health, and under any Act passed after this Act takes effect, or after the 20 passing of the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, for the like purpose; but any council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either 25 including or not including one or more of themselves, as the council thinks best; 29 & 30 V., 51, s. 248.

LAND MARKS AND BOUNDARIES.

Placing land-
marks and
monuments to
mark bound-
aries.

Con. Stat. U.
C. c. 92.

701. In case the council adopts a resolution on the applica- tion of one half of the resident landholders to be affected there- by, that it is expedient to place durable monuments at the front 30 or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor in the manner provided for in the sixth to the tenth sections of the Consoli- dated Statute for Upper Canada respecting the survey of lands, 35 praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stone or other durable monuments at the front or at the rear 40 of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein, (as the case may be,) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 45 29 & 30 V., c. 51, s. 268.

BY-LAWS.

702. The council may also pass by-laws: 29 & 30 V., c. Council pass
51, s. 269. by-laws.

PROVISIONS FOR ESTABLISHING BOUNDARIES.

- (1.) For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same: 29 & 30 V., c. 51, s. 269, sub-s. 1. Ascertaining and making boundaries of Townships.

SCHOOLS.

- (2.) For obtaining such real property as may be required for the erection of common school houses thereon and for other common school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of common schools according to law; 29 & 30 V., c. 51, s. 269, sub-s. 2. Acquiring land for school, etc.

CEMETERIES.

- (3.) For accepting or purchasing land for public cemeteries, as well within as without the municipality, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be part of the municipality to which it formerly belonged; and such by-law shall not be repealed; 29 & 30 V., c. 51, s. 269, sub-s. 3. For establishing cemeteries.
- (4.) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portions shall be held; 29 & 30 V., c. 51, s. 269, sub-s. 4. For selling portions thereof on limited terms.

CRUELTY TO ANIMALS.

- (5.) For preventing cruelty to animals; and for preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any statute in that behalf; 29 & 30 V., c. 51, s. 269, sub-s. 5. Preventing cruelty to animals.

DOGS.

- (6.) For imposing a tax on the owners, possessors or harbourers of dogs; 29 & 30 V., c. 51, s. 269, sub-s. 6. Tax on dogs.
- (7.) For killing dogs running at large contrary to the by-laws; 29 & 30 V., c. 51, s. 269, sub-s. 7. Killing dogs.

FENCES.

- (8.) For settling the height and description of lawful fences; 29 & 30 V., c. 51, s. 269, sub-s. 8. Height and kind of fences.

DIVISION FENCES.

- Of division of fences.** (9.) For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws be made, the Act respecting line fences and water-courses, shall continue applicable to the municipality; 29 & 30 V., c. 51, s. 269, sub-s. 9.

WEEDS.

- Destruction of weeds.** (10.) For preventing the growth of weeds detrimental to good husbandry; 29 & 30 V., c. 51, s. 269, sub-s. 10. 10

EXHIBITIONS, SHOWS, &c.

- Licensing public shows.** (11.) For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding and other such like shows usually exhibited by showmen, and for requiring the payment of license fees for authorizing the same, not exceeding one hundred dollars for every such license, and for imposing fines upon persons infringing such by-laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month; Provided always, that it shall not be lawful for the council to grant licenses or license certificates to persons having exhibitions of any work or circus, riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares or merchandize of whatever description, for gain, on the days of the exhibition of the Agricultural Association of Upper Canada, or of any county, electoral division, or township agricultural society, either on the grounds of such society, or within the distance of three hundred yards from such grounds; 29 & 30 V., c. 51, s. 269, sub-s. 11. 15 20 25 30
- Fines for infraction.**
- Proviso.**
- Licenses not to be granted for certain times and places.**

GRAVES.

- Protecting graves.** (12.) For preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred; 29 & 30 V., c. 51, s. 269, sub-s. 12.

INJURIES TO PUBLIC AND PRIVATE PROPERTY AND NOTICES.

- Ornamental trees.** (13.) For preventing the injuring or destroying of trees planted or preserved for shade or ornament; 29 & 30 V., c. 51, s. 269, sub-s. 13. 35
- Signs.** (14.) For preventing the pulling down or defacing of sign-boards, and of printed or written notices; 29 & 30 V., c. 51, s. 269, sub-s. 14.
- (15.) For preventing persons from throwing dirt, filth, carcasses of animals or rubbish on any street, road, lane or highway. 31 V., c. 30, s. 36. 40

GAS AND WATER.

- Authorizing** (16.) For authorizing any corporate gas or water company to

lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit; 29 & 30 V., c. 51, s. 269 sub-s. 15.

gas and water companies to lay down pipes, etc.

STOCK IN.

(17.) For acquiring stock in, or lending money to, any such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; Provided the by-law is consented to by the electors, as hereinbefore provided. 29 & 30 V., c. 51, s. 269 sub-s. 16.

Taking stock in gas and water companies. Proviso.

10 **703.** The head of any corporation under this Act holding stock in any such company to the amount of ten thousand dollars shall be *ex officio* a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors. 29 & 30 V., c. 51, s. 270.

Head of corporation to be Director.

INVESTMENT OF MONEYS.

704. From and after the passing of this Act, any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, shall have power, by by-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other money held by such municipal corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Government of the Dominion of Canada, or in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; provided always, that no municipal corporation shall invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. 29 & 30 V., c. 51, s. 272; 31 V., c. 30, s. 27, & 32 V., c. 43, s. 21.

Appropriation of certain moneys for education Investment.

Proviso as to investments.

35 **705.** And whereas several municipalities have, prior to the first day of January, in the year one thousand eight hundred and sixty-seven, invested moneys derived from the said fund and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid. 29 & 30 V., c. 51, s. 273.

Investments already made legalized.

706. The board of school trustees of any city, having surplus moneys for educational purposes, may invest the same in the purchase of Provincial Consolidated Loan Fund, or Municipal Debentures, or in such securities as are described in the next preceding section, subject to the provisions, conditions, limitations and restrictions therein contained; and any by-law or resolution of any such corporation made prior to the first day of January, one thousand eight hundred and sixty-seven, for authorizing any such investment, under which any such money has been so invested, shall be held to be a good and valid by-law or resolution. 29 & 30 V., c. 51, s. 274.

Investment of money by Board of School Trustees.

Loans to
boards of
school trustees
by municipali-
ties.

707. Any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities' Fund, shall have power by by-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, 5 for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law. 29 & 30 V., c. 51, s. 275.

Board of
school trustees
may borrow
such moneys.

708. Any board of school trustees may, with the consent 10 of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any such corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such 15 by-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. 29 & 30 V., c. 51, s. 276.

Liability of
members of
corporation or
school trustees
in vesting
money other-
wise than au-
thorized by
this Act.

709. Any member of any such municipal corporation or board 20 of school trustees, who shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by this Act, or by the eleventh 25 section of the Act respecting clergy reserves, or by any other law in that behalf made and provided, shall be held personally liable for any loss sustained by such corporation; and he is hereby forbidden under penalty of being deemed guilty of a mis-
demeanor from taking any such part or being any such party
as aforesaid. 29 & 30 V., c. 51, s. 277. 30

BY-LAWS.

Dividing city
into wards.

710. The council may from time to time pass by-laws for dividing the wards of the city into two or more convenient electoral divisions, for establishing polling places therein, and for appointing returning officers therefor, and may from time to time repeal or vary the same. 29 & 30 V., c. 51, s. 278. 35

WEIGHTS AND MEASURES.

711. The council may pass by-laws; 29 & 30 V., c. 51, s. 283.

Inspector of
Weights and
Measures;
their powers.

(1.) For appointing inspectors to regulate weights and measures, according to the lawful standard; 29 & 30 V., c. 51, s. 283, sub-sec. 1. 40

(2.) For visiting all places wherein weights and measures, steel-yards or weighing machines of any description are used; 20 & 30 V., c. 51, s. 283, sub-sec. 2.

(3.) For seizing and destroying such as are not according to the standard; 29 & 30 V., c. 51, s. 283, sub-sec. 3. 45

(4.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines. 29 & 30 V., c. 51, s. 283, sub-s. 4.

PUBLIC MORALS.

- (5.) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master, or legal protector ; 29 & 30 V., c. 21, s. 284, sub-a. 1. Giving drink to children, etc.
- (6.) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ; 29 & 30 V., c. 51, s. 284, sub-a. 2. Indecent placards, etc.
- (7.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency ; 33 V., c. 26, s. 4. Drunkenness.
- (8.) For suppressing disorderly houses and houses of ill-fame ; 29 & 30 V., c. 51, s. 284, sub-a. 4. Lewdness.
- (9.) For preventing horse racing ; 29 & 30 V., c. 51, s. 284, sub-a. 5. Racing.
- 15 (10.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement ; 29 & 30 V., c. 51, s. 284, subs. 6. Exhibitions, etc.
- (11.) For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein ; 29 & 30 V., c. 51, s. 284, sub-a. 7. Gaming.
- (12.) For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place ; 29 & 30 V., c. 51, s. 284, sub-sec. 8. Vagrants.
- 25 (13.) For preventing indecent public exposure of the person and other indecent exhibitions ; 29 & 30 V., c. 51, s. 284, sub-sec. 9. Indecent exposure.
- (14.) For preventing or regulating the bathing or washing the person in any public water near a public highway ; 29 & 30 V., c. 51, s. 284, sub-a. 10. Bathing.

ENGINEERS—INSPECTORS.

- (15.) For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the House of Industry, also one or more surgeons of the Gaol and other institutions under the charge of the municipality, and for the removal of such officers ; 29 & 30 V., c. 51, s. 286, sub-a. 1. Appointing engineers and inspectors.

AUCTIONEERS.

- (16.) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction ; and for fixing the sum to be paid for every such license, and the time it shall be in force ; 29 & 30 V., c. 51, s. 286, sub-a. 2. Auctioneers.

HAWKERS AND PEDLERS.

Hawkers and pedlers.

(17.) For licensing, regulating and governing hawkers or petty chapmen; and other persons carrying on petty trades, who have not become permanent residents in the county, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or 5 merchandise for sale, or in or with any boat, vessel, or other craft or otherwise, carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, and the time the license shall be in force; but no duty shall be imposed for hawking 10 or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors, within the meaning of the law relating to taverns, or tavern licenses; 32 V., c. 43, s. 19.

Licenses for

FERRIES.

Ferries, with assent of Lieutenant-Governor in Council, when no by-law.

(18.) For regulating ferries between any two places in the 15 municipality, and establishing the rates of ferriage to be taken thereon; but no such by-law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council; but until the council pass a by-law regulating such ferries, and in the cases of ferries not between two places in the same municipal- 20 ity, but being between places within the Province of Ontario, the Lieutenant-Governor by order in council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the Statutes in force relating to ferries; 29 & 30 V., c. 51, ss. 286 & 287, and B. N. 25 A. Act., s. 91, sub-s. 13,

LANDS FOR GRAMMAR SCHOOLS.

Purchase of lands for Grammar Schools.

(19.) For obtaining in such part of the city as the wants of the people may most require, the real property requisite for erecting county grammar school houses thereon, and for other grammar school purposes, and for preserving, improving and 30 repairing such school houses, and for disposing of such property when no longer required; 39 & 30 V., c. 51, s. 288, sub-sec. 1.

AIDING GRAMMAR SCHOOLS.

Aiding such school.

(20.) For making provisions in aid of such grammar schools as may be deemed expedient; 39 & 30 V., c. 51, s. 288, sub- 35 s. 2.

PUPILS COMPETING FOR UNIVERSITY PRIZES.

Grammar school pupils competing for University prizes.

(21.) For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the Public Grammar Schools of the county as are unable to incur the expense, but are desirous of, 40 and in the opinion of the respective masters of such Grammar Schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize, offered by such university or college; 29 & 30 V., c. 51, s. 288, sub-sec. 3.

Attendance at Grammar schools.

(22.) For making similar provision for the attendance at any 45 county Grammar School, for like purposes of pupils of Common Schools of the County; 29 & 30 V., c. 51, s. 288, sub-sec. 4.

ENDOWING FELLOWSHIPS.

- (23.) For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the Public Grammar Schools of the county, as the council deems expedient for the encouragement of learning amongst the youth thereof. 29 & 30 V., c. 51, s. 288, sub-sec. 5. Endowing fellowships.

HARBOURS, DOCKS, ETC.

- (24.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; 29 & 30 V., c. 51, s. 296, sub-s. 1. For the cleanliness of wharves, docks, etc.

- (25.) For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; 29 & 30 V., c. 51 s. 296, sub-s. 2. For removal of doorsteps, etc.

- (26.) For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; 29 & 30 V., c. 51, s. 296, sub-s. 3. Wharves, docks, etc.

- (27.) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers, and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; 29 & 30 V., c. 51, s. 296, sub-s. 4. For regulating harbours, etc.

WATER.

- (28.) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof; and for preventing the wasting and fouling of public water; 29 & 30 V., c. 51, s. 296, sub-s. 5. For supplying water.

MARKETS.

- (29.) For establishing markets; 29 & 30 V., c. 51, s. 296 sub-s. 6. Markets.

- (30.) For regulating all markets established and to be established; the places however already established as markets in such municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality, shall continue to be vested in the corporation thereof; 29 & 30 V., c. 51, s. 296, sub-s. 7. For regulating markets.
Old markets continued.

Regulating
vending in
streets.

(31.) For preventing or regulating the sale by retail in the public streets or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small ware and all other articles offered for sale; 33 V., c. 26, s. 5.

Vending in
open air.

(32.) For preventing or regulating the buying and selling of 5 articles or animals exposed for sale or marketed; 29 & 30 V., c. 51, s. 296, sub-s. 9.

Vending grain,
etc.

(33.) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware 10

Fees.

and all other articles exposed for sale; and the fees to be paid therefor; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets, and vacant lots adjacent thereto. 33 V., c. 26, s. 6.

Preventing
forestalling

(34.) For preventing the forestalling, regrating or monopoly 15 of market grains, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use and such as are usually sold in the market. 29 & 30 V., c. 51, s. 296, sub-s. 11 & 31 V., c. 30, s. 32.

Regulating
hucksters.

(35.) For preventing and regulating the purchase of such 20 things by hucksters, butchers or runners living within the Municipality, or within one mile from the outer limits thereof; 29 & 30 V., c. 51, s. 296, sub-s. 12 & 31 V., c. 30, s. 32.

Measuring,
weighing, etc.

(36.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and 25 other fuel; 29 & 30 V., c. 51, s. 296, sub-s. 13.

Penalties for
light weight.

(37.) For imposing penalties for light weight or short count or short measurement in anything marketed; 29 & 30 V., c. 51, s. 296, sub-s. 14.

Regulating
vehicles used
in market
vending.

(38.) For regulating all vehicles, vessels and all other things 30 in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon and establishing the mode in which it shall be paid; 29 & 30 V., c. 51, s. 290, sub-s. 15.

Assize of
bread, etc.

(39.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for provid- 35 ing for the seizure and forfeiture of bread made contrary to the by-law; 29 & 30 V., c. 51, s. 296, sub-s. 16.

Tainted provi-
sions.

(40.) For seizing and destroying all tainted and unwhole- 40 some meat, poultry, fish, or other articles of food; 29 & 30 V., c. 51, s. 296, sub-s. 17.

Rent of mar-
ket stalls.

(41.) For selling after six hours' notice, butcher's meat dis- trained for rent of market-stalls; 29 & 30, V. c. 51, s. 296, sub-s. 18.

NUISANCES.

Bathing.

(42.) For preventing or regulating the bathing or washing the person in any public water in or near the Municipality; 45 29 & 30 V., c. 51, s. 196 sub-sec. 19.

(43.) For preventing and abating public nuisances ; 29 & 30 Abatement of nuisances.
V., c. 51, s. 296, sub-s. 20.

(44.) For preventing or regulating the construction of privy Privy vaults.
vaults ; 29 & 30 V., c. 51, s. 296 sub-s. 21.

5 (45.) For causing vacant lots to be properly enclosed ; 29 & Vacant lots.
30 V., c. 51, s. 296, sub-s. 22.

(46.) For preventing or regulating the erection or contin- Slaughter
uance of slaughter houses, gas works, tanneries, distilleries or houses.
other manufactories or trades which may prove to be nui-
10 sances ; 29 & 30 V., c. 51, s. 296, sub-s. 23.

(47.) For preventing the ringing of bells, blowing of horns, Tumultuous
shouting and other unusual noises, in streets and public places ; voices.
29 & 30 V., c. 51, s. 296, sub-s. 24.

(48.) For preventing or regulating the firing of guns or other Firing guns,
15 fire-arms ; and the firing or setting off of fire balls, squibs, etc.
crackers or fire-works, and for preventing charivaries and other
like disturbances of the peace ; 29 & 30, V., c. 51, s. 296, sub-s.
25.

(49.) For preventing immoderate riding or driving in high- Furious driv-
20 ways or streets ; for preventing the leading, riding or driving ing.
of horses or cattle upon side walks or other places not proper
therefor ; 29 & 30, V., c. 51, s. 296, sub-s. 26.

(50.) For preventing persons in streets or public places from Importuning
importuning others to travel in or employ any vessel or vehicle, travellers.
25 or go to any tavern or boarding house, or for regulating persons
so employed ; 29 & 30 V., c. 51, s. 296, sub-s. 27.

PUBLIC HEALTH.

(51.) For providing for the health of the municipality, and Public health.
against the spreading of contagious or infectious diseases ; 29
& 30 V., c. 51, s. 296, sub-s. 28.

INTERMENTS.

30 (52.) For regulating the interment of the dead, and for pre- Interments.
venting the same taking place within the municipality ; 29 &
30 V., c. 51, s. 296, sub-s. 29.

(53.) For directing the keeping and returning of bills of Bills of mor-
mortality ; and for imposing penalties on persons guilty of ality.
35 default ; 29 & 30 V., c. 51, s. 296, sub-s. 30.

GUNPOWDER.

(54.) For regulating the keeping and transporting of gun- Gunpowder ;
powder and other combustible or dangerous materials ; for care of.
regulating, and providing for the support by fees, of magazines
for storing gunpowder belonging to private parties ; for com-
40 pelling persons to store therein ; for acquiring land, as well
within as without the municipality, for the purpose of erecting
powder magazines, and for selling and conveying such land
when no longer required therefor ; 29 & 30 V., c. 51, s. 296,
sub-s. 32.

FIRES.

- Fire companies, etc.** (55.) For appointing fire wardens, fire engineers and firemen and promoting, establishing and regulating fire-companies, hook-and-ladder companies, and property-saving companies; 29 & 30 V., c. 51, s. 296, sub-s. 33.
- Medals and rewards to, etc.** (56.) For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires; 29 & 30 V., c. 51, s. 296, sub-s. 34.
- Fire in stables, etc.** (57.) For preventing or regulating the use of fire or lights in 10 stables, cabinet makers' shops, carpenters' shops, and combustible places; 29 & 30 V., c. 51, s. 296, sub-s. 35.
- Dangerous manufactories.** (58.) For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; 29 & 30 V., c. 51, s. 296, sub-s. 36. 15
- Stoves, chimneys, etc.** (59.) For preventing, and for removing, or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire; 29 & 30 V., c. 51, s. 296, sub-s. 37.
- Size and cleaning chimneys.** (60.) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same; 29 & 30 V., c. 51, s. 296, sub-s. 38. 20
- Ashes.** (61.) For regulating the mode of removal and safe keeping of ashes; 29 & 30 V., c. 51 s. 296, sub-s. 39.
- Party walls.** (62.) For regulating and enforcing the erection of party walls; 29 & 30 V., c. 51, s. 296, sub-s. 40.
- Ladders to houses.** (63.) For compelling the owners and occupants of houses to have scuttles in the roofs thereof, and stairs or ladders leading to the same; 29 & 30 V., c. 51, s. 296, sub-s. 41.
- Buildings and yards, condition of.** (64.) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; 29 & 30 V., c. 51, s. 296, sub-s. 42. 30
- Fire buckets.** (65.) For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at 35 fires; 29 & 30 V., c. 51, s. 296, sub-s. 43.
- Inspection of premises.** (66.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; 29 & 30 40 V., c. 51, s. 296, sub-s. 44.
- Suppression of fires.** (67.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; 29 & 30 V., c. 51, s. 296, sub-s. 45.

(68.) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; 29 & 30 V., c. 51, s. 296, sub-s. 46. Enforcing assistance at fires.

SNOW, ICE AND DIRT.

(69.) For compelling persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and from the sidewalks, street or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default; 29 & 30 V., c. 51, s. 296, sub-s. 47 & 31 V., c. 30, s. 34. Removal of snow, etc.

NUMBERING HOUSES AND LOTS.

10 (70.) For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; 29 & 30 V., c. 51, s. 296, sub-s. 48. Numbering houses, etc.

(71.) For keeping (and every council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every Council is hereby requested to enter 20 thereon, a division of the streets with boundaries and distances for public inspection; 29 & 30 V., c. 51, s. 296, sub-s. 49. Record of streets, numbers, boundaries, etc.

DRAINAGE.

(72.) For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed or which may hereafter be dug 25 or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws; 29 & 30, V., c. 51, s. 296, sub-s. 50. Ascertaining levels.

(72.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any 30 building, a ground or block plan of such building with the levels of the cellars and basements thereof with reference to a line fixed by the by-law; 29 & 30, V., c. 51, s. 296, sub-s. 51. Block, places of buildings;

(73.) For regulating the construction of cellars, sinks, water-closets, privies and privy-vaults, and the manner of draining 35 the same; 29 & 30, V., c. 51, s. 296, sub-s. 52. cellars, sinks, etc.

(74.) For compelling and regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds or, 40 yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the council on their default; 29 & 30, V., c. 51, s. 296, sub-s. 53. Filling in hollow places, drains, etc.

(76.) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes; 45 29 & 30, V., c. 51, s. 296, sub-s. 54. Sewerage or drainage.

charging rent
for sewers ;

(77.) For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same ; and for regulating the time or times and manner in which the same is to be paid ; 5 29 & 30, V., c. 51, s. 296, sub-s. 55.

Regulating
transient
traders.

(78.) For licensing, regulating and governing transient traders, and other persons who occupy places of business in the city for periods less than one year, and whose names have not been duly entered in the assessment roll for the then current 10 year ; 33 V., c. 26, s. 7.

INTELLIGENCE OFFICES.

Licensing
intelligence of-
fices ;

(79.) For licensing suitable persons to keep Intelligence Offices for registering the names and residences of, and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and resi- 15 dences of, and giving information to, or procuring employment for, domestics, servants, and other labourers desiring employment ; and for fixing the fees to be received by the keepers of such offices ; 29 & 30, V., c. 51, s. 299, sub-s. 1.

regulation of ;

(80.) For the regulation of such Intelligence Offices ; 29 & 20 30, V., c. 51, s. 299, sub-s. 2.

duration of
license ;

(81.) For limiting the duration of, or revoking any such license ; 29 & 30, V., c. 51, s. 299, sub-s. 3.

prohibition of
without li-
cense ;

(82.) For prohibiting the opening or keeping any such Intel- 25 ligence Office within the municipality without a license ; 29 & 30, V., c. 51, s. 299, sub-s. 4.

fees for.

(83.) For fixing the fee to be paid for such license, not ex- ceeding one dollar for one year ; 29 & 30, V., c. 51, s. 299, sub-s. 5.

WOODEN BUILDINGS.

Wooden build-
ings.

(84.) For regulating the erection of buildings and preventing 30 the erection of wooden buildings and wooden fences in specified parts of the city ; 29 & 30, V., c. 51, s. 299, sub-s. 6.

POLICE.

A police.

(85.) For establishing, regulating and maintaining a police ; but subject to the other provisions of this Act on that head ; 29 & 30, V., c. 51, s. 299, sub-s. 7.

35

INDUSTRIAL FARM—EXHIBITION.

Industrial
farm ;

(86.) For acquiring any estate in landed property within or without the city, for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the dis- 40 posal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property, within or without the city, dedicated for a public park, garden or walk for the use of the inhabitants of the city ; 29 & 30 V., c. 51, s. 299, sub-s 8.

(87.) For the erection thereon of buildings and fences for the buildings purposes of the farm, park, garden, walk or place for exhibitions, thereon ; as the council deems necessary ; 29 & 30 V., c. 51, s. 299, sub-s. 9.

5 (88.) For the management of the farm, park, garden, walk managing the or place for exhibition and buildings ; 29 & 30 V., c. 51, s. 299, same. sub-s. 10.

CHARITY.

(89.) For establishing and regulating within the city, or on Almshouses, the industrial farm or ground held for public exhibitions, one or and poor :
10 more almshouses or houses of refuge for the relief of the destitute, and for granting out of door relief to the resident poor, and also for aiding charitable institutions within the city ; 29 & 30 V., c. 51, s. 299, sub-s. 11.

(90.) For appointing any person to be the corporation survey- appointment of or ; and the Board of Examiners of Provincial Land Surveyors of corporation surveyor. for Ontario shall examine such person, and, if he is found competent, shall grant to him without the usual service, his certificate as a deputy provincial surveyor, and his acts as such shall, in the city, while he holds the office of surveyor thereto, have
20 the same effect as those of any other deputy provincial surveyor ; 29 & 30 V., c. 51, s. 300, sub-s. 1.

GAS AND WATER.

(91.) For lighting the municipality, and for this purpose per- Lighting with forming any work, and placing any fixtures that are necessary gas ; on private property ; 29 & 30 V., c. 51, s. 300, sub-s. 2.

25 (92.) For laying down gas or water pipes in any street and laying down opening streets for the purpose ; and for taking up or repairing gas and water such pipes, and for using every power and privilege given to pipes : any gas or water company incorporated in the municipality as if the same were specially given by this Act, subject, however,
30 to the provisions herein contained as to the erection of gas or water works and levying rates therefor ; 29 & 30 V., c. 51, s. 300, sub-s. 3.

(93.) For constructing gas and water works, and for levying gas and water an annual special rate to defray the yearly interest of the expen- works :
35 diture therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years ; 29 & 30 V., c. 51, s. 300, sub-s. 4.

(a) But no by-law under the last sub-section shall be passed ; estimate to be
40 —Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length as the same may be ultimately passed, and a notice
45 of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality ; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate ;
proceedings prior to taking public vote.

poll to be held, and majority to be in favor ; Nor, secondly, until at a poll, held in the same manner and at the same places, and continued for the same time as at elections for councillors a majority of the electors voting at the poll, vote in favour of the by-law.

by-law to be passed only at a special meeting, etc. ; Nor, thirdly, unless the by-law is thereafter passed at the special meeting mentioned in the published notice ; 29 & 30 V., c. 51, s. 300, sub-s. 5.

if the by-law is rejected ; (b) If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year ; 29 & 30 V., c. 51, s. 300, sub-s. 6. 10

if there is a gas or water company for the municipality. (c) In case there be any gas or water company incorporated for the municipality, the council shall not levy any gas or water rate, until such council has by by-law fixed a price to offer for the works or stock of the company ; nor until thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company ; 29 & 30 V., c. 51, s. 300, sub-s. 7. 15

Inspection of gas meters ; (95.) For providing for the inspection of gas-meters ; 29 & 30 V., c. 51, s. 300, sub-s. 8.

commissioners for erection of gas or water works ; (96.) For providing for the appointment of three commissioners, for entering into contracts for the construction of gas and water works,—for superintending the construction of the same, —for managing the works when completed—and for providing for the election of the said commissioners by the electors from time to time, and at such periods, and for such terms as the council may appoint by the by-law authorizing the election ; 30 29 & 30 V., c. 51, s. 300, sub-s. 9.

ascertaining the property to be benefited by a local improvement ; (97.) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby ; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefited ; subject in every case to an appeal to the judge of the county court of the county within which the city is situate, in the same manner and on the same terms, as nearly as may be, as an appeal from the court of revision in the case of an ordinary assessment ; 40 29 & 30 V., c. 51, s. 301, sub-s. 1.

assessing such property for such improvement, and in what manner. (98.) For assessing and levying upon the real property to be immediately benefited by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane, or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in number of the owners of such real property, being also owners of one-half in value thereof at least, a special rate sufficient to include a sinking fund, for the repayment of debentures which such councils are hereby authorized to issue in such cases respect- 50

ively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same, by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements; 29 & 30 V., c. 51, s. 301, sub-s. 2.

(99.) For regulating the time or times and manner in which the assessments to be levied under this section, are to be paid, and for arranging the terms, on which parties assessed for local improvements, may commute for the payment of their proportionate shares of the cost thereof in principal sums; 29 & 30 V., c. 51, s. 301, sub-s. 3. Regulating time of payment, etc. ;

(100.) For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected; 29 & 30 V., c. 51, s. 301, sub-s. 4. if funds furnished by parties:

712. No such local improvement as aforesaid shall be undertaken by the council, except under a by-law passed in pursuance of the last preceding sub-section, otherwise than on the petition of at least two-thirds in number of the owners of the real property, to be directly benefited thereby, being also owners of at least one-half in value thereof, such number and value having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf; and if the contemplated improvement be the construction of a common sewer, having a sectional area of more than four feet, one third of the cost thereof, shall also first be provided for by the council, by by-law for borrowing money, which every such council is hereby authorized to pass for such purpose, or otherwise; 29 & 30 V., c. 51, s. 302. Under what conditions such improvement may be undertaken ;
as to sewers.

713. It shall not be essential to the validity of any by-law passed in virtue of the seven hundred and eleventh section of this Act, that it be in accordance with the restrictions and provisions contained in the six hundred and eighty-second section of this Act; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions; 29 & 30 V., c. 51, s. 303. What conditions shall be requisite to the validity of the by-laws ;

(1.) The by-law shall name a day in the financial year in which the same is passed when it shall take effect; 29 & 30 V., c. 51, s. 303, sub-s. 1. day for by-law taking effect ;

(2.) The whole of the debt and the obligations to be issued therefore, shall be made payable in twenty years at furthest from the day on which such by-law takes effect; 29 & 30 V., c. 51, s. 303, sub-s. 2. period for payment ;

(3.) The by-law shall settle an equal special rate per annum in addition to all other rates, to be levied in each year on the real property described therein, and ratable thereunder for paying the debt and interest; 29 & 30 V., c. 51, s. 303, sub-s. 3. special rate ;

(4.) Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income amount of such rate ;

from the temporary investment of the sinking fund, or of any part thereof; 29 & 30 V., c. 41, s. 303, sub-s. 4.

what by-law
must recite;
amount and
object;

(5.) The by-law shall recite:—

(a.) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; 5

annual
amount;

(b.) The total amount required by this Act, to be raised annually, by special rate for paying the debt and interest under the by-law.

value of pro-
perty rated;

(c.) The value of the whole real property ratable under the by-law as ascertained and finally determined as aforesaid; 10

special rate;

(d.) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to the foregoing provisions of this Act;

security for
debt.

(e.) That the debt is created on the security of the special rate settled by the by-law, and on that security only; 29 & 30 V., c. 51, s. 303, sub-s. 6. 15

Debentures
under sections
to , to be
specially dis-
tinguished.

714. Every debenture issued under the sections of this Act numbered seven hundred and eleven, sub-sections ninety-seven, ninety-eight, ninety-nine and one hundred, and sections seven hundred and twelve and seven hundred and thirteen, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the by-law under which it is issued, and also a statement of its being issued in virtue of this Act. 29 & 30 V., c. 51, s. 304. 20

Section—
not to apply.

715. The six hundred and ninety-second section of this Act shall not apply to any by-law passed in virtue of the four last preceding sections of this Act. 29 & 30 V., c. 51, s. 305. 25

Certain sec-
tions not to
apply to cer-
tain works;

716. Nothing contained in the sections of this Act, numbered seven hundred and eleven, sub-section ninety-seven, to seven hundred and fourteen, shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way, or place, and side walk therein, once made, opened, widened, prolonged, altered, macadamized, paved, or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally. 29 & 30 V., c. 51, s. 306. 30 35

Licensing
cabs, etc.

717. The board of commissioners of police in cities may regulate and license the owners of livery stables and of horses, cabs, carriages, omnibuses and other vehicles used for hire and establish the rates of fare to be taken by the owners or drivers, and may provide for enforcing payment of such rates and for such purposes may pass by-laws and enforce the same in the manner and to the extent in which any by-law to be passed under the authority of this Act may be enforced. 29 & 30 V., c. 51, s. 296, sub-s. 31; 31 V. c. 30, s. 33, and 32, V., c. 43, s. 45 22.

CORONERS.

Appointment
of.

718. One or more coroners shall be appointed for every city. 29 & 30 V., c. 51, s. 298.

ROADS, BRIDGES, DRAINS, WATER-COURSES.

WHAT CONSTITUTE HIGHWAYS.

719. All allowances made for roads by the Crown Surveyors in any town, township, or place already laid out, or hereafter laid out, and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, as existing before the Act of Union with Lower Canada, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 29 & 30 V., c. 51, s. 315.

What shall constitute highways.

HIGHWAYS VESTED IN THE CROWN.

720. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended, or laid out, according to law, shall be vested in Her Majesty, her heirs and successors. 29 & 30 V., c. 51, s. 316.

Highway, etc., vested in the Crown.

JURISDICTION OF MUNICIPALITIES.

721. Subject to the exceptions and provisions hereinafter contained, every council shall have jurisdiction over the original allowances for roads, highways, and bridges within the municipality. 29 & 30 V., c. 51, s. 317.

Jurisdiction of Municipal councils.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

722. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Lieutenant-Governor shall, by order in Council, have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may, by proclamation, declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 29 & 30 V., c. 51, s. 318.

Roads under board of works not to be interfered with.

ROADS ON ORDNANCE LANDS.

723. No council shall pass any by-law (1) for stopping up or altering the direction or alignment of any street, lane, or thoroughfare made or laid out by Her Majesty's Ordnance, or the principal Secretary of State, in whom the Ordnance estates are vested under the Statute of the late Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordnance and Admiralty lands transferred to the Province; or (2) for opening any such com-

Nor ordnance roads, etc.:

unless sanctioned by the chief engineer officer.

munication through land held by the said principal Secretary of State; or (3) interfering with any bridge, wharf, dock, quay, or other work constructed by Her Majesty's Ordnance, or the said Secretary of State; or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without a written consent signed by the principal officer of the War Department, acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such principal officer and to be acting under such authority; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent, authority, and certificate. 29 & 30 V., c. 51, s. 319.

WHAT ROADS NOT TO BE CLOSED.

Council not to close road required by individuals for egress, etc.

724. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter or General Sessions, or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same. 29 & 30 V., c. 51, s. 320.

NOT TO ENCROACH UPON HOUSES, &c.

Nor to encroach upon houses, etc.

725. No council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner. 29 & 30 V., c. 51, s. 321.

WIDTH OF ROADS.

Width of roads.

726. No council shall lay out any road or lane more than ninety or less than thirty feet in width; but any road, when altered, may be of the same width as formerly. 29 & 30 V., c. 51, s. 322.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

By-laws intended to affect public roads:

727. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street, or lane; 29 & 30 V., c. 51, s. 323.

publication;

(1.) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street, or other highway, road, street or lane; 29 & 30 V., c. 51, s. 323, sub-s. 1.

the same;

(2.) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; 29 & 30 V., c. 51, s. 323, sub-s. 2.

parties to be heard;

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected

thereby, and who petitions to be so heard; 29 & 30 V., c. 51, s. 323, sub-s. 3.

(4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices; 29 & 30 V., c. 51, s. 323, sub-s. 4. clerk to give notice.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &C.

728. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of, and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 29 & 30 V., c. 51, s. 324. Power to administer oaths in disputes respecting boundaries.

COMPENSATION FOR LANDS TAKEN.

729. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29 & 30 V., c. 51, s. 325. Owners of land taken, to be compensated.

TITLES TO LAND OF INFANTS, &C., HOW ACQUIRED.

730. In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent; corporations, tenants in tale or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women and others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof: in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29 & 30 V., c. 51, s. 326. Title to lands taken;
if there be no party who can convey;

731. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the court of chancery or other court having equitable jurisdiction where a party has a life interest only;
sum awarded how to be applied;

in such cases, do in the meantime direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court. 29 & 30, V., c. 51, s. 327. 5

charges on the purchase money. **732.** All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29 & 30 V., c. 51, s. 328.

JOINT JURISDICTION OVER ROADS.

Joint jurisdiction over certain roads; **733.** In case a road lies wholly or partly between a county, town, city, township or incorporated village, and an adjoining county, or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8. 10 15

both councils must concur in by-laws respecting them; **734.** No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9. 20

arbitration, if they do not agree. **735.** In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10. 25

POWERS OF COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.

736. The council may also pass by-laws:

GENERAL POWERS AS TO ROADS, &C.

Opening or stopping up roads, etc. (1.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained. 29 & 30 V., c. 51, s. 333, sub-s. 1. 30 35

TOLLS.

To raise money by toll. (2.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same. 29 & 30 V., c. 51, s. 333, sub-s. 2.

FAST DRIVING ON BRIDGES.

To regulate driving on bridges. (3.) For regulating the driving and riding on public bridges. 29 & 30 V., c. 51, s. 333, sub-s. 3.

PITS AND PRECIPICES.

(4.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers. 29 & 30 V., c. 51, s. 333, sub-s. 4. To make regulations as to pits, etc.

ROAD ALLOWANCES.

(5.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road; 29 & 30 V., c. 51, s. 333, sub-s. 5. For preservation of trees, stone, etc. ;

(6.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which, compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price; 29 & 30 V., c. 51, s. 333, sub-s. 6. when the council may stop up or sell a road allowance.

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &C.

(7.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; 29 & 30 V., c. 51, s. 333, sub-s. 7. Granting privileges to road or bridge companies.

TAKING STOCK IN.

(8.) For taking stock in, or lending money to, any such incorporated road or bridge company, under and subject to the respective statutes in that behalf; 29 & 30 V., c. 51, s. 333, sub-s. 8. Taking stock in, or making loans to such companies.

TOLLS ON. MAY BE GRANTED.

(9.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair; 29 & 30 V., c. 51, s. 333, sub-s. 9. Granting right to take tolls, when.

TAKING MATERIALS.

(10.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act; 29 & 30 V., c. 51, s. 333, sub-s. 10. Searching for and taking materials

OLD ROAD ALLOWANCES.

When a road is substituted for an original allowance ;

conveying of former road allowance ;

compensation to party whose land is taken.

737. In case any one in possession of a concession road or side line, has laid out and opened a road or street in place thereof, without receiving compensation therefor ; or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out ; and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof, to each of such parties as may seem just and reasonable ; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes. 29 & 30 V., c. 51, s. 334.

POSSESSION OF ROAD ALLOWANCES.

Original allowance for roads when to be deemed legally possessed.

738. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof ; or be in possession of any Government allowance for road, parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29 & 30 V., c. 51, s. 335.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-law for opening, etc., roads, etc., to require notice.

739. But no such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29 & 30 V., c. 40 s. 336.

AID IN MAKING ROADS AND BRIDGES.

By-laws for :

740. The council may pass by-laws : 29 & 30 V., c. 51, s. 337.

aiding counties in making roads and bridges ;

(1.) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality. 29 & 30 V., c. 51, s. 337, sub-s. 1.

joint works

(2). For entering into and performing any arrangement with

any other council in the same county or united counties for with other
executing, at their joint expense and for their joint benefit, any municipali-
ties ;
work within the jurisdiction of the council. 29 & 30 V., c. 51,
s 337, sub-s. 2.

- 5 (3.) The council of any municipal corporation may pass aid to adjoining
by-laws for granting aid to any adjoining municipal corporation municipal
in making, opening, maintaining, widening, raising, lowering, corporations ;
or otherwise improving any highway, road, street, bridge, or
communication passing from or through any adjoining municipi-
10 pality. 32 V., c. 43, s. 20.

HIGHWAYS.

741. Every public road, street, bridge or other highway in Streets, how
a city shall be vested in the municipal corporation thereof far vested in
subject to any rights in the soil which the individuals who municipal cor-
laid out such road, street, bridge or highway, reserved, and poration :
15 except any concession, or other road within the town taken
and held possession of by an individual in lieu of a street,
road or highway, laid out by him without compensation there-
for. 29 & 30 V., c. 51, s. 338.

742. Every such road, street, bridge and highway shall be to be kept in
20 kept in repair by the corporation, and the corporation shall repair by the
be civilly responsible for all damages sustained by any corporation on
person by reason of default to keep in repair, but the action pain of dam-
must be brought within three months after the damages have ages.
25 street, bridge or highway laid out without the consent of the
corporation by by-law, until established and assumed by
by-law. 29 & 30 V., c. 51, s. 339.

LOCAL IMPROVEMENTS OF STREETS.

743. The council may also pass by-laws for the following By-laws for :
purposes :

- 30 (1.) For raising, upon the petition of at least two-thirds of Lighting,
the freeholders and householders resident in any street, square, watering and
alley or lane, representing in value one-half of the ratable prop- sweeping
erty therein, such sums as may be necessary for sweeping, streets ;
watering or lighting the street, square, alley or lane, by means
35 of a special rate on the ratable property therein ; but the
council may charge the general corporate funds with the
expenditure incurred in such making or repairing, or in such
sweeping, watering or lighting as aforesaid. 29 & 30 V., c. 51,
s. 340, sub-s. 2.
- 40 (2.) For regulating or preventing the encumbering, injuring preventing ob-
or fouling, by animals, vehicles, vessels or other means, of any structions in
road, street, square, alley, lane, bridge or other communication. streets ;
29 & 30 V., c. 51, s. 340, sub-s. 3.

- (3.) For directing the removal of door steps, porches, railings removal of
45 or other erections or obstructions projecting into or over any door steps,
road or other public communication, at the expense of the pro- etc. ;
prietor or occupant of the property connected with which such
projections are found. 29 & 30 V., c. 51, s. 340, sub-s. 4.

for making the boundaries of and naming streets.

(4.) For surveying, settling and marking the boundary lines of all streets, roads and other public communications, and for giving names thereto and affixing such names at the corners thereof on either public or private property. 29 & 30 V., c. 51, s. 340, sub-s. 5.

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REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

By-laws under which roads are opened on private property to be registered.

744. All by-laws passed by any council, subsequent to the first day of January, in the year of our Lord, one thousand eight hundred and sixty-seven, under the authority of which any street, road or highway, shall be opened upon any private property, shall, before the same become effectual, unless heretofore registered, pursuant to section three hundred and forty-eight of the Act, passed in the session of the parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, be duly registered in the registry office of the county where the land is situate; and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk, and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the quarter or general sessions heretofore passed, under the authority of which any street, road or highway, is to be or has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the registrar, of a duly certified copy of such by-law under the hand of the municipal clerk, and seal of such municipality, or by a duly certified copy of such order or resolution of such quarter or general sessions, given under the hand and seal of the clerk of the peace (as the case may be.) 29 & 30 V., c. 51, s. 348, & 31 V., c. 20, s. 63.

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TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

745. The council may pass by-laws.

By-laws for : Taking stock in railways or guaranteeing debentures ;

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company, to which the eighteenth section of the statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act), or the sections of the consolidated statute of Canada, respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act. 29 & 30 V., c. 51, s. 349, sub-s. 1.

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guaranteeing the payment of debentures ;

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted; 29 & 30 V., c. 51, s. 349, sub-s. 2.

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for issuing debentures ;

(3.) For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the council may think meet; 29 & 30 V., c. 51, s. 349, sub-s. 4.

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(4.) For directing the manner and form of signing or endorsing any debenture so issued; endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively; but the corporation shall not subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof, shall receive the assent of the electors of the municipality, in manner provided by this Act; 29 & 30 V., c. 51, s. 349, sub-s. 4.

form of
to be confirmed
by public
vote;

746. Any debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation, without the corporate seal thereto, or the observance of any other form with regard to the debenture, than such as may be directed in the by-law. 29 & 30 V., c. 51, s. 350.

Debentures
when valid
without the
corporate seal

747. In case the council subscribes for, and holds stock in such company, to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 29 & 30 V., c. 51, s. 351.

head, when to
be director.

PROCEEDINGS ON ARBITRATION.

748. In all cases of arbitration directed by this Act, the proceedings shall be as follows: 29 & 30 V., c. 51, s. 353.

Arbitration
proceedings
of:

(1.) Each party shall appoint one arbitrator, and give notice thereof in writing to the other party; and when the other party is a corporation, the notice shall be given to the head of the corporation; 29 & 30 V., c. 51, s. 353, sub-s. 1.

Mode of ap-
pointing arbi-
trators and
conducting
arbitrations:

(2.) The two arbitrators appointed by or for the parties, shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an equality of arbitrators, they shall appoint another arbitrator, or in default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in council may, on the application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13.

third arbitra-
tor; how
chosen;

(3) In case of an arbitration between a county and a city, if for one month after having received such notice, the party notified omits appointing an arbitrator; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default; 29 & 30 V., c. 51, s. 353, sub-s. 3.

provision, in
case of neglect
to appoint;

(4) In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets, or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the council of such corporation, of his appointment of an arbitrator

in case of ex-
ercise of power
as to roads,
drains, etc.;

to determine the compensation to which such person is entitled, the head of such council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers such council intends to exercise with respect to the property (describing it); 29 & 30 V., c. 51, s. 353, sub-s. 4.

if the owner of property fail to name an arbitrator ;

(5.) If within one month after service on the owner or owners of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf; 29 & 30 V., c. 51, s. 353, sub-s. 5.

time for appointing third arbitrator, and for award ;

(6.) In either of the cases provided for by the two preceding sub-sections, the two arbitrators shall, within seven days, appoint a third arbitrator, and their award shall be made within one month after the appointment; 29 & 30 V., c. 51, s. 353, sub-s. 6.

county judge to appoint in certain cases.

(7.) If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the last named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him: 29 & 30 V., c. 51, s. 353, sub-s. 7.

appointments how to be made ;

(8.) The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law; 29 & 30 V., c. 51, s. 353 sub-s. 8.

head may appoint for corporation ;

(9.) The arbitrators on behalf of a municipal corporation, or provisional corporation, shall be appointed by the council thereof, or by the head thereof if authorized by a by-law of the council; 29 & 30 V., c. 51, s. 353, sub-s. 9.

where many parties are interested in the same property ;

(10.) In case there are several persons having distinct interests in property, in respect of which the corporation is desirous of exercising the powers referred to in the above fourth sub-section, under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council of such corporation, be disposed of by one award, such persons shall have one month instead of seven days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the county court judge shall have power to name an arbitrator for them; 29 & 30 V., c. 51, s. 353, sub-s. 10.

(11.) Every arbitrator before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe, the following affirmation) before any justice of the peace; 29 & 30 V., c. 51, s. 353, sub-s. 11. arbitrators to be sworn.

"I, (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence. "So help me God." Which oath or affirmation shall be filed with the papers of the reference; Form of :

(12.) In case the award relates to property to be entered upon, taken, or used as mentioned in the said fourth sub-section, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law within six weeks after the making of the award: and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the cost of the arbitration; 29 & 30 V., c. 51, s. 353, sub-s. 12. Award to be binding in certain cases, must be adopted by by-law within a certain time ;

(13.) In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that the present sub-section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto; 29 & 30 V., c. 51, s. 353, sub-s. 13. notes of the evidence adduced to be taken and filed in certain cases. ;

(14.) Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the superior courts of law or equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court; and in the cases provided for by the last preceding subsection, the court shall consider not only the legality of the award, but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, award to be made by at least two arbitrators and subject to superior courts ;
Powers of the courts in such matters.

as the justice of the case may seem to the court to require; 29 & 30 V., c. 51, s. 353, sub-s. 14.

POUNDS AND POUND-KEEPERS.

By-laws as to pounds and cruelty to animals.

749. The council may pass by-laws (not inconsistent with the Act of the Dominion of Canada, relating to cruelty to animals passed in the Session held in the thirty-second and thirty-third years of the reign of Her Majesty, chaptered twenty-seven. 5
29 & 30 V., c. 51, s. 354.

PROVIDING POUNDS.

Pounds to be provided.

(1.) For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound; 29 & 30 V., c. 51, s. 354, sub-s. 1. 10

ANIMALS RUNNING AT LARGE.

Animals running at large;

(2.) For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; 29 & 30 V., c. 51, s. 354, sub-s. 2. 15

appraising damage done by;

(3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the municipality; 29 & 30 V., c. 51, s. 354, sub-s. 3.

compensation for impounding animals.

(4.) For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 29 & 30 V., c. 51, s. 354, sub-s. 4. 20

GENERAL PROVISIONS.

Regulations respecting animals:

750. Until varied or other provisions are made by by-laws of the municipality, the following regulations shall be in force: 29 & 30 V., c. 51, s. 355. 25

Liability for damages done.

(1.) The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the regulations of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such regulations; 29 & 30 V., c. 51, s. 355, sub-s. 1. 30

What animals to be impounded;

(2.) If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises, after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any justice of the peace, and fined such sum as the justice may direct; 29 & 30 V., c. 51, s. 355, sub-s. 2. 45

- (3.) When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any inclosed place within the limits of the pound-keeper's division within which the distress was made; when common pound is not safe;
- 5 29 & 30 V., c. 51, s. 355, sub-s. 3.

- (4.) The owner of any animal impounded, shall at any time be entitled to his animal, on demand made therefor without payment of any poundage-fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage-fees statement of demand to be made to pound-keeper by impounder;
- 10 that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage-fees, if such be demanded, and within twenty-four hours thereafter, deliver to the pound-keeper duplicate statements in writing of his demands against the owner
- 15 for damages (if any) not exceeding twenty dollars, done by such animal exclusive of such poundage-fees, and shall also give his written agreement (with a surety if required by the pound-keeper) in the form following, or in words to the same effect:

- 20 "I (or we, as the case may be), do hereby agree that I (or we) will pay to the owner of the (*describing the animal*) by me (A.B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A.B. proves to be illegal, or in case the claim for damages now put in by me form of agreement with pound-keeper;
- 25 the said A.B. fails to be established;" 29 & 30 V., c. 51, s. 355, sub-s. 4.

- (5.) In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the township for straying within his premises, if the animal be of a certain kind.
- 30 such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him; 29 & 30 V., c. 51, s. 355, sub-s. 5.

- (6.) If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal; 29 & 30 V., c. 51, s. 355, sub-s. 6. if the owner be known;

- (7.) If the owner be unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the municipal clerk a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be; 29 & 30 V., c. 51, s. 355, sub-s. 7. if unknown, notice to municipal clerk;

- (8.) The municipal clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner; 29 & 30 V., c. 51, s. 355, sub-s. 8. duty of clerk thereon;

- (9.) If the animal or any number of animals taken up at the same time, be of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a news- if animals are worth \$10 or over;

paper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks; 29 & 30 V., c. 51, s. 355, sub-s. 9.

notice of sale ; (10.) In case an animal be impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same ; 29 & 30 V., c. 51, s. 355, sub-s. 10. 5 10

if animal is not impounded but detained ; (11.) In case the animal be not impounded but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up ; 29 & 30 V., c. 51, s. 355, sub-s. 11. 15

notice of sale, unless redeemed ; (12.) The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any) ; and the expenses of the animal's keeping ; 29 & 30 V., c. 51, s. 355, sub-s. 12. 20 25

keeper to feed impounded cattle ; (13.) Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water and shelter during the whole time that such animal continues impounded or confined. 29 & 30 V., c. 51, s. 355, sub-s. 13. 30 35

may recover the value ; (14.) Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. 29 & 30 V., c. 51, s. 355, sub-s. 14. 40

in what manner such value may be recovered ; (15.) The value or allowance as aforesaid may be recovered, with costs, by summary proceedings before any justice of the peace, within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality, may by law be recovered and enforced by a single justice of the peace ; and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, as far as applicable, to the tariff of pound-keepers' fees and charges that may be or have been established by the by-laws of the municipality. 29 & 30 V., c. 51, s. 355, sub-s. 15. 45 50

other mode of enforcing ; (16.) The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. 29 & 30 V., c. 51, s. 355, sub-s. 16.

(17.) In case it be by affidavit proved before one of the justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the township may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble, and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of and for the use of the municipality. 29 & 30 V., c. 51, s. 355, sub-s. 17.

sale, how effected, etc., and purchase money how applied.

(18.) If the owner within forty-eight hours after the delivery of such statements as provided in the fourth sub-section of this section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper. 29 & 30 V., c. 51, s. 355, sub-s. 18.

Disputes regarding such demand how determined;

(19.) Such fence-viewers, or any two of them, shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement, signed by at least two of them, of their appraisement, and of their lawful fees and charges. 29 & 30 V., c. 51, s. 355, sub-s. 19.

fence viewers to view and appraise damage;

(20.) Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the municipality, by summary proceeding before a justice of the peace upon the complaint of the party aggrieved, or the Treasurer of the municipality. 29 & 30 V., c. 51, s. 355, sub-s. 20.

penalty for neglect of duty by viewers;

(21.) If the fence viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the

proceedings, when viewers decide against the legality of a fence;

sale thereof, but if not claimed, or if such fees and charges be not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. 29 & 30 V., c. 51, s. 355, sub-s. 21.

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liability of
pound keeper
refusing to
feed animal
impounded.

(22.) In case any pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall, for every day during which he refuses or neglects, forfeit a sum not less than one dollar, nor more than four dollars. 29 & 30 V., c. 51, s. 355, sub-s. 22.

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

Recovery and
enforcement of
penalties ;

imprisonment,
in default of
payment.

751. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any justices of the peace for the county, or of the municipality in which the offence was committed ; and, in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the commitment, be sooner paid ; 29 & 30 V., c. 51, s. 355, sub-s. 23.

Who may be a
witness.

752. Upon the hearing of any information or complaint exhibited or made under this Act, any person, (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender ; 29 & 30 V., c. 51, s. 355, sub-s. 24.

Application of
penalties.

753. When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act, shall be paid and distributed in the following manner : one moiety to the municipality in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper ; 29 & 30 V., c. 51, s. 355, sub-s. 25.

Provision
when a tree is
blown down
across a line
fence.

754. If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property, or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree ; and on his neglect, or refusal so to do, for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the

party liable to pay it under this Act; provided always, that for the purpose of such removal, the owner of such tree, may enter into, and upon such adjoining premises, for removal of the same, without being a trespasser, avoiding any unnecessary spoil or waste in so doing; and all disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. 29 & 30 V., c. 51, s. 355, sub-s. 28.

- 10 **755.** Every city separated shall be a county of itself for municipal purposes, and for such judicial purposes as are herein specially provided for in the case of all cities, but for no other. 29 & 30 V., c. 51, s. 256.

In what respect cities to be counties.

JUSTICES OF THE PEACE.

- 15 **756.** The head of the council, and the police magistrate, and reeve of every town, shall, *ex officio*, be a justice of the peace for the whole county, or union of counties, in which the municipalities lie: Provided always, that before he shall act in the capacity of a justice of the peace for the county, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace; 29 & 30 V., c. 51, s. 357, and 31 V., c. 30, s. 38.

Head of councils, etc., to be justices of the peace.

- 25 **757.** No mayor, police magistrate or alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the peace; 29 & 30 V., c. 51, s. 358.

Qualification and oath of such persons as justices of the peace when dispensed with.

- 30 **758.** When a town has been erected into a city and the council of the city duly organized, every commission of the peace theretofore issued for the town shall cease. 29 & 30 V., c. 51, s. 359.

When towns become cities, former commissions of peace to cease.

CONVICTIONS UNDER BY-LAWS.

- 35 **759.** It shall not be necessary in any conviction made under any by-law of any council, to set out the information, appearance, or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form given in the following schedule.

What only shall be necessary in convictions under by-laws.

PROVINCE OF ONTARIO, } BE IT REMEMBERED Form.

County of , } that on the day of
To wit. } A.D. at in the county
of , A B is convicted before the undersigned,
40 one of Her Majesty's justices of the peace in and for the said county, that the said A B (*stating the offence, and time and place, and when and where committed*) contrary to a certain by-law of the municipality of the of in the said county of ; passed on the day of
45 A.D. and intituled: (*reciting the title of the by-law*); and I adjudge the said A B, for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to C D, the complainant, the sum of for his costs in this behalf. And if the
50 said several sums be not paid forthwith, or on or before the day of (as the case may be).

I order that the same be levied by distress and sale of the goods and chattles of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common jail of (or, in the public lock-up at) for the space of days, unless 5 the said several sums, and all costs and charges of conveying the said A. B. to such jail (or lock-up), shall be sooner paid.

Given under my hand and seal, the day and year first above written, at , in the said county.

(L.S.)

J. M., J.P. 10

29 & 30 V., c. 51, s. 362.

Compelling witnesses to attend.

760. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary 15 proceedings before justices of the peace in cases tried summarily, under the statutes now in force. 29 & 30 V., c. 51, s. 363.

Jurisdiction of justices under by-laws.

761. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any by-law of any municipality in any such county where there is no police magistrate. 20 29 & 30 V., c. 51, s. 364.

Mayor may call out posse ;

powers of.

762. The mayor of any city may call out the posse ¹to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 29 & 30 V., c. 51, s. 365. 25

Heads of every council administer oaths.

763. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 29 & 30 V., c. 51, s. 366.

POLICE OFFICE.

Police offices in cities and towns.

764. The council shall establish in the town a police office ; 30 and the police magistrate, or in his absence, or where there is no police magistrate, the mayor shall attend at such police office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a justice of the peace ; but except in cases of urgent necessity, no atten- 35 dance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by proclamation for a public Fast or Thanksgiving. 29 & 30 V., c. 51, s. 367.

Cities to have police magistrates.

765. All cities shall have a police magistrate, and the salary of such police magistrate shall not be less than twelve hundred 40 dollars per annum, but any salary of a larger amount that is paid to any police magistrate at the time of the passing of the Act of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one shall be continued whilst such 45 police magistrate remains in office, and such salary shall be paid half yearly by the city ; 29 & 30 V., c. 51, s. 371, c. 52, s. 2, and 31 V., c. 30, s. 38.

Tenure of office.

766. Every police magistrate shall hold office during pleasure. 29 & 30 V., c. 51, s. 372.

- 767.** Every police magistrate shall *ex-officio* be a justice of the peace for the city for which he holds office as well as also for the county or union of counties in which such city is situate: and no other justice of the peace shall adjudicate upon, admit to bail, discharge prisoners or otherwise act, except at the courts of general sessions of the peace in any case for any city where there is a police magistrate, except in case of illness or absence, or at the request in writing of the police magistrate. 32 V., c. 6, s. 11.

Police Magistrate *ex-officio*, justice of peace.

THE CLERK.

- 768.** The clerk of the council or such other person as the council may appoint for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as clerks of justices of the peace; and in case the clerk is paid by a fixed salary, the said emoluments shall be paid by him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the police magistrate; 29 & 30 V., c. 51, s. 374.

Clerk of police office and his duties.

INVESTIGATIONS BY COUNTY JUDGE UNDER RESTRICTIONS OF CITY COUNCIL.

- 769.** In case the council at any time passes a resolution requesting the judge of the county court of the county, or counties within which such city is situate, to investigate any matter to be mentioned in the resolution and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the city, or in case the council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the city, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the recorder of the city to make the inquiry, the judge shall inquire into the same, and shall for that purpose have all the powers of commissioners under the consolidated statute of Canada respecting inquiries concerning public matters and official notices, and the judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon; 29 & 30 V., c. 51, s. 380 and 32 V., c. 6, s. 12.

Investigation by Recorder of charges of malfeasance;

to have powers under Consolidated Statute of Canada, cap. 13.

JURORS AND WITNESSES.

- 770.** In any prosecution, suit, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, suit, action or proceeding, is a county. 32 V., c. 6, s. 13.

Action in which municipal corporation party—no officer to be incompetent as witness.

HIGH BAILIFFS AND CONSTABLES.

- 771.** The council shall appoint a high bailiff, but may provide by by-law that the offices of high bailiff and chief constable shall be held by the same person; 29 & 30 V., c. 51, s. 389.

High bailiffs and constables.

Chief constable.

772. Until the organization of a board of police as hereinafter mentioned, the council shall appoint one chief constable for the municipality; and one or more constables for each ward, and the persons so appointed shall hold office during the pleasure of the council; 29 & 30 V., c. 51, s. 390.

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Arrests by constable for alleged breaches of the peace (not within view) when sanctioned.

773. In case any person complains to a chief of police, or to a constable or bailiff, in a city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of the breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police magistrate or before the mayor or sitting justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to law; 29 & 30 V., c. 51, s. 391.

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Until a board of police is organized, Mayor, etc. may suspend chief constable, etc. from office.

774. Until the organization of a Board of Police, every Mayor, and Police Magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the chief constable, or constable of the city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the council shall have the like powers as to the high bailiff of a city; 29 & 30 V., c. 51, s. 392.

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Salary to be withheld during suspension.

775. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor, or Police Magistrate, who suspended him, nor during such suspension shall he be entitled to any salary or remuneration; 29 & 30 V., c. 51, s. 393.

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BOARD OF POLICE.

OF WHOM COMPOSED.

Board of police, of whom composed;

776. In every city there is hereby constituted a Board of Commissioners of Police, and such board shall consist of the mayor, judge of the county court of the county in which the city is situate, and police magistrate, or if there be no police magistrate, the council of the city shall appoint a person resident therein to be a member of the Board; and such commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties; 29 & 30 V., c. 51, s. 394 and 32 V., c. 6, s. 15.

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powers as to witnesses.

QUORUM.

A majority to constitute a quorum.

777. A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board; 29 & 30 V., c. 51, s. 395.

NUMBER OF THE POLICE FORCE.

778. The police force shall consist of a chief constable and as many constables and other officers and assistants as the council from time to time deems necessary, but not less in number than the board reports to be absolutely required; 29 & 30 5 V., c. 51, s. 396. Number of police to be determined by the council.

APPOINTMENT OF POLICEMEN.

779. The members of the police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe to the following oath: The policemen to be appointed by the board;

"I, A. B., do swear that I will well and truly serve our their oath of office.
 10 "Sovereign Lady the Queen, in the office of Police Constable
 "for the of without favour or affection,
 "malice or ill-will; and that I will, to the best of my power,
 "cause the peace to be kept and preserved, and will prevent
 "all offences against the persons and properties of Her Majesty's
 15 "subjects; and that while I continue to hold the said office, I
 "will, to the best of my skill and knowledge, discharge all the
 "duties thereof faithfully according to law, so help me God;"
 29 & 30 V., c. 51, s. 397 and 31 V., c. 30, s. 41.

POLICE REGULATIONS.

780. The board shall, from time to time, as they may deem Board to make police regulations.
 20 expedient, make such regulations for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties; 29 & 30 V., c. 51, s. 398.

POLICE SUBJECT TO THE BOARD, &c.

781. The constables shall obey all lawful directions, and be Policemen to be subject to the board.
 25 subject to the government of the board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities
 30 which belong by law to constables duly appointed; 29 & 30 V., c. 51, s. 399.

REMUNERATION AND CONTINGENT EXPENSES.

782. The council shall appropriate and pay such remuneration for and to the respective members of the force as shall be required by the Board of Commissioners of Police, and shall Remuneration and contingent expenses.
 35 provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the board may from time to time deem requisite, and require for the payment, accommodation, and use of the force; 29 & 30 V., c. 51, s. 400.

COURT HOUSE AND PRISONS.

783. The gaol, court house and house of correction of the Gaols and Court houses to be common to counties and
 40 county in which a city, not separated for all purposes from a county, is situate, shall also be the gaol, court house and house

to cities, etc.,
not separated.

of correction of the city; and shall in the case of such a city continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction, shall receive and safely keep until duly discharged, all persons committed thereto by any competent authority of the city; 29 & 30 V., c. 51, s. 402.

Compensation
by city or
town how to
be regulated
and made,

784. While a city uses the court house, gaol or house of correction of the county, the city shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or be settled by 10 arbitration under this act; 29 & 30 V., c. 51, s. 403.

When the
amount may
be revised.

785. In case after the lapse of five years from such compensation having been so agreed upon, or awarded, or having been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant 15 Governor in council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an order in council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by 20 arbitration under this Act, the amount to be paid from the time so named in the order; 29 & 30 V., c. 51, s. 404.

City councils
may erect
court house,
etc., etc.

786. The council of every city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry upon lands being 25 the property of the municipality, and may pass by-laws for all or any of such purposes; 29 & 30, V., c. 51, s. 405.

Who liable to
confinement
in.

787. Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the session of the Parliament of the late Province of 30 Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enacts that "any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his county, for a period not exceeding two days, of any 35 person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any 40 person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice or summarily convicted before any 45 Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law; 29 & 30 V., c. 51, s. 409.

Expense of
conveying and
maintaining
prisoners.

788. The expense of conveying any prisoner to, and of keeping him in a lock-up-house, shall be defrayed in the same man- 50 ner as the expense of conveying him to and keeping him in the common gaol of the county; 29 & 30 V., c. 51, s. 410.

Previous lock-
up houses to
continue.

789. Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to

be a lock-up-house as if established under this Act; 29 & 30 V., c. 51, s. 411.

790. The council may, by by-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and the council may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the municipality; and every such lock-up-house shall be placed in charge of a constable specially appointed for that purpose by the council; two or more municipal corporations may unite to establish and maintain a lock-up-house; 29 & 30 V., c. 51, s. 412. See also ss. 407 & 408.

Lock-up houses for persons sentenced to short imprisonment.

HOUSES OF INDUSTRY AND REFUGE.

791. The council of every city separated from a county may acquire an estate in landed property for an industrial farm, and may within years after the passing of this act, establish a house of industry and a house of refuge, and provide by by-law for the erection and repair thereof, and for the appointment payment and duties of inspectors, keepers, matrons, and other servants, for the superintendence, care and management of such house of industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same; Provided always, that any two or more united counties, or any two or more contiguous counties, or any city and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided; 29 & 30, V., c. 51, s. 413 and 31 V., c. 30, s. 42.

County council may erect and appoint inspectors of houses of industry.

Proviso.

792. Nothing herein contained shall be taken or construed to affect or repeal so much of sections four hundred and fourteen and four hundred and fifteen of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enact that,—

“Any two of Her Majesty’s justices of the peace, may, by writing under their hands and seals, commit to the house of industry or of refuge, to be employed and governed according to the rules, regulations, and orders of the house;”

Who liable to be committed thereto;

“(1) All poor and indigent persons who are incapable of supporting themselves;”

“(2.) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do;

“(3) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living;

frequenters of public houses ; “(4.) And all such as spend their time and property in public houses, to the neglect of any lawful calling ;

idiots. “(5.) And idiots.” 29 & 30 V., c. 51, s. 414.

Punishment of refractory inmates. “And every person committed to the house of industry or of refuge, if fit and able, shall be kept dilligently employed at 5 labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the house of industry or of refuge in that behalf.” 29 10 & 30 V., c. 51, s. 415.

Inspectors to keep and render accounts of expenses, etc. **793.** The inspector shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry and refuge, and of all materials found and furnished therefor, together with the names of the persons received into 15 the house, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the council every year, or oftener when required by a by-law of the council, and a copy thereof shall be presented to the Legislative Assembly yearly. 29 & 30 V., c. 51, s. 416. 20

WORK-HOUSES.

Work-houses in cities or towns, or houses of correction. **794.** The council may pass by-laws for erecting and establishing within the city or on such industrial farm, or on any ground held by the corporation for public exhibitions, a 25 work-house or house of correction, and for regulating the government thereof ; 29 & 30 V., c. 51, s. 417, sub-s. 1.

Who liable to be committed thereto. **795.** Nothing herein contained shall be taken or construed to affect or repeal so much of section four hundred and seven- 30 teen of the Act passed in the Session of the Parliament of the late Province of Canada held in the twenty-ninth and thirtieth years of the reign of Her Majesty, and chaptered fifty-one, as enacts that the council may pass by-laws, “For committing and sending, with or without hard labour, to the work-house or house of correction, or to the industrial farm, by the 35 mayor, police magistrate or two justices of the peace for the city such description of persons as may by the council be deemed, and by by-law be declared expedient ; and such farm or ground held as aforesaid, shall, for the purposes in this subsection mentioned, be deemed to be within the city 40 and the jurisdiction thereof.” 29 & 30 V., c. 51, s. 417, sub-s. 2.

City gaols to be regulated by by-law. **796.** In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. 29 & 45 30 V., c. 51, s. 420, Con. Stat. U. C. c. 217, s. 3.

CONFIRMING AND SAVING CLAUSES.

Exception from repeal. **797.** Nothing herein contained shall be taken or construed to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth 50 years of the reign of her present Majesty, chaptered fifty-one

which enacts, that "so much of the schedules in either of the municipal corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, 5 nine, ten and eleven, and schedule C of the same Act, numbers one, two and three, and schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen;" 29 & 30 V., c. 51, s. 423.

798. "And also so much of schedule D of the said Acts of Further ex-
10 1849 and 1850, as relates to Amherstburg, and also so much of ception.
the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this
15 Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force;" 29 & 30 V., c. 51, s. 423.

799. This Act shall take effect on the day Commence-
20 of , one thousand eight hundred and ment of this
seventy. Act and of
certain provi-
sions thereof.

800. All Acts or parts of Acts inconsistent with the provi- Inconsistent
sions of this Act, relating to the municipal institutions of enactments re-
Ontario, are hereby repealed; but the repeal thereof shall pealed.
25 not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the applica-
tion of any of such parts or acts, or of any act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply;
30 29 & 30 V., c. 51, s. 428.

AS TO TOWNS IT IS FURTHER ENACTED AS FOLLOWS:

INTERPRETATION CLAUSE.

801. Unless otherwise declared or indicated by the context, Interpretation
whenever any of the following words occur in this Act, the of words.
meanings hereinafter expressed, attach to the same, namely;
29 & 30 V., c. 51, s. 422.

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(1) The word "Municipality" means any locality the inhab- "Municipal-
itants of which are, or are now incorporated continued or be- lity."
come incorporated under this Act; 29 and 30 V., c. 51, s. 422,
sub-s. 2.

(2.) The word "Council" means the Municipal Council or "Council."
40 Provisional Municipal Council, as the case may be, of the
Municipality; 29 & 30 V., c. 51, s. 422, sub-s. 2.

(3) The word "County" means county, union of counties, "County."
or united counties, or provisional county, as the case may be;
29 & 30 V., c. 51, s. 422, sub-s. 3.

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(4) The word "Township" means township, union of town- "Township"

ships, or united townships, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 4.

"Land,"
"Real Estate." (5.) The words "Land," "Lands," "Real Estate," "Real Property," respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein; 29 & 30 V., c. 51, s. 422, sub-s. 5.

"Highway,"
"Road,"
"Bridge." (6.) The words "Highway," "Road" or "Bridge," mean respectively, a public highway, road or bridge; 29 & 30 V., c. 51, s. 422, sub-s. 6.

"Electors." (7.) The word "Electors," means the person entitled for the 10 time being to vote at municipal elections in the municipality; ward, or electoral division, or police village as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 7.

"Reeve." (8.) The word "Reeve" includes the deputy reeve or deputy reeves, when there is a deputy reeve for the municipality; 15 except in so far as respects the office of a justice of the peace; 29 & 30 V., c. 51, s. 422, sub-s. 8.

(9.) The words "next day" are not to apply to or include Sunday or statutory holidays. 29 & 30 V., c. 53, s. 442, sub-s. 9.

EXISTING INSTITUTIONS CONTINUED.

Existing cor-
porations con-
tinued. **802.** The inhabitants of every town incorporated at the time 20 this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation then established; 29 & 30 V., c. 51, s. 1.

Heads, officers,
by-laws, etc.,
continued. **803.** The head and members of the council, and the officers, 25 by-laws, contracts, property, assets and liabilities of every town existing when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such town continued under and subject to the provisions of this Act; 29 & 30 V., c. 51, s. 3. 30

NAMES AND GOVERNING BODY.

Names of cor-
porations. **804.** The name of every town continued, or erected 30 under this Act, shall be *the Corporation of the Town of* (naming the same); 29 & 30 V., c. 51, s. 4.

The councils to
govern. **805.** The powers of every town under this Act, shall 35 be exercised by the council thereof; 29 & 30 V., c. 51, s. 6.

NEW MUNICIPALITIES.

Extension of
corporate
municipalities. **806.** The inhabitants of every locality erected into a town 30 after this Act takes effect, shall be a body corporate under this Act; 29 & 30 V., c. 51, s. 8.

Area of town. **807.** No town incorporated after the passing of this Act, the 30 population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land; 29 & 30 V., c. 51, s. 10, sub-s. 1.

(1.) No town already or hereafter incorporated, and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand and souls, subsequent to the first thousand; 29 & 30 V., c. 51, s. 10, sub-s. 2. Enlargement of area.

(2.) In the case of all towns now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said towns shall not be permitted to make any further addition to their limits, until their population shall have reached a proportion as aforesaid to their present area; 29 & 30 V., c. 51, s. 10, sub-s. 3. Existing towns exceeding the area prescribed.

(3.) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any town may, for the purpose of such extension only, be held and reckoned among the inhabitants of such town; 29 & 30 V., c. 51, s. 10, sub-s. 4. How population may be reckoned.

ERECTION OF VILLAGES INTO TOWNS AND TOWNS INTO CITIES.

808. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof; 29 & 30 V., c. 51, s. 14. Towns, how formed. Census.

809. In case it appears by the census return taken under any such by-law, or under any Act of Parliament, that a town contains over fifteen thousand inhabitants, the town may be erected into a city, and in case it appears by the return that an incorporated village contains over three thousand inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions; 29 & 30 V., c. 54, s. 15. A town containing over 15,000 inhabitants may be made a city, and a village containing over 3,000 a town.

(1.) The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper be published therein, shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county in which the town or village is situate, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or the village into a town, and stating the limits intended to be included therein; 29 & 30 V., c. 51, s. 15, sub-s. 1. 1st. - Notice to be given.

(2.) The council of the town or village shall cause the census returns to be certified to the Lieutenant Governor in Council, under the signature of the head of the corporation and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant Governor in Council, then, in the case of a village, the Lieutenant Governor may, by proclamation, erect the village into a town, by a name to be given thereto in the proclamation; 29 & 30 V., c. 51, s. 15, sub-s. 2. 2nd. - Proof of publication and notice of census.

(3.) In case the application is for the erection of a town into 3rd. - Existing

debts to be
adjusted.

a city, the town shall moreover pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment with interest from the time of the erection 5 of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and the council of the town shall prove to the Lieutenant Governor in Council the payment, agreement or arbitration; Then the Lieutenant Governor may, by Proclamation, erect the town into a city, by a 10 name to be given thereto in the Proclamation; 29 & 30 V., c. 51, s. 15, sub-ss. 2 & 3.

Proclamation
in case of a
town.

Extension of
limits of such
town or city.

810. The Lieutenant Governor may include in the new town or city, such portions of any township or townships adjacent thereto and within the limits mentioned in the aforesaid notice 15 as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant Governor in Council, may consider it desirable to attach thereto; 29 & 30 V., c. 51, s. 16.

Wards.

811. The Lieutenant Governor may divide the new town or 20 city into wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward less than five hundred inhabitants; 29 & 30 V., c. 51, s. 17.

Lands detach-
ed from coun-
ties.

812. In case any tract of land so attached to the city or town belonging to another county, the same shall thenceforward for 25 all purposes cease to belong to such other county, and shall belong to the same county as the rest of the city or town; 29 & 30 V.; c. 51, s. 18.

NEW DIVISION OF WARDS.

New division
of wards in
towns.

813. In case two-thirds of the members of the council of a town, do in council before the fifteenth day of July in any 30 year, pass a resolution affirming the expediency of a new division into wards being made of the town or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigen- 35 cies of the town, it may seem desirable to add thereto respectively, the Lieutenant Governor may, by proclamation, divide the town, or such part thereof into wards, as may seem expedient, and may add to the town any part of the adjacent town- 40 ship or townships, which the Lieutenant Governor in Council on the grounds aforesaid considers it desirable to attach there- to; 29 & 30 V., c. 51, s. 19.

Extention of
towns.

EXISTING BY-LAWS CONTINUED ON FORMATION OF A NEW TOWN OR CITY.

Existing by-
laws continu-
ed.

814. In case an incorporated village or town, with or without additional area, be erected into a town or city, the by-laws in force therein respectively, shall continue in force until repealed 45 or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same; 29 & 30 V., c. 51, s. 21.

When not to
be repealed.

BY-LAWS IN FORCE.

- 815.** In case an addition be made to the limits of any municipality, the by-laws of the municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached, shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality added to; 29 & 30 V., c. 51, s. 22.

When the limits of a municipality are extended.

LIABILITY TO DEBTS TO CONTINUE.

- 816.** In case of the erection of an incorporated village into a town or of a town into a city, the town or city, shall remain liable to all the debts and liabilities to which the village or town was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; 29 & 30 V., c. 51, s. 23.

Liability to debts to continue.

- 817.** After an addition has been made to a town, the town shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act; 29 & 30 V., c. 51, s. 24.

In case of an extension of limits.

COUNCILS AND OFFICERS TO CONTINUE.

- 818.** In case of the erection of an incorporated village into a town, or a town into a city, the council and the members thereof, having authority in the locality or municipality immediately before such erection, shall, until the council for the newly erected corporation be organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before; 29 & 30 V., c. 51, s. 25.

Former councils and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

WITHDRAWAL OF TOWNS FROM THE JURISDICTION OF THE COUNTY.

- 819.** The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions; 29 & 30 V., c. 51, s. 26.

Town may withdraw from jurisdiction of county by by-law on certain conditions.

- (1.) After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually

Amount to be paid by town towards expenses of administration of justice, etc. to be settled.

paid for the said expenses, and for the then debt of the county, and the number of years the payments of the debt are to be continued; 31 V., c. 30, s. 2.

Matters to be considered in settling the same.

(2.) In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town may be then liable to pay, for the construction of roads or bridges by the county, without the limits of the town; and also what the county may have paid, or be liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain and allow to the town the value of its interest in all county property, except roads and bridges within the town; 29 & 30 V., c. 51, s. 26, sub-s. 2.

Copy of agreement to be sent to the Lieut.-Gov.
Proclamation.

(3.) When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation withdrawing the town from the jurisdiction of the council of the county; 29 & 30 V., c. 51, s. 26, sub-s. 3.

Effect of such proclamation.

(4.) After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county or into the county treasury, any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid; 29 & 30 V., c. 51, s. 26, sub-s. 4.

New agreement after award.

(5.) After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands; 29 & 30 V., c. 51, s. 26, sub-s. 5; 31 V., c. 30, s. 3.

Property after withdrawal.

(6.) After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 29 & 30 V., c. 51, s. 26, sub-s. 6.

COUNCILS, OF WHOM COMPOSED.

THE MAYOR.

Mayor to be the head of the town.

820. The head of every town shall be designated the mayor thereof. 29 & 30 V., c. 51, s. 65.

45

Compositions of councils.

821 The council shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward, and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and

if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a deputy reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as 5 voters on such roll, there shall be elected an additional deputy reeve. 31 V., c. 30, s. 6; 33 V., c. 26, ss. 1, 2.

WHEN REEVE MAY TAKE SEAT IN COUNCIL.

822. No reeve or deputy reeve shall take his seat in the county council, until he has filed with the clerk of the county council a certificate under the hand and seal of the town clerk, 10 that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such reeve or deputy reeve; nor in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk, 15 or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred freeholders and householders in the municipality for the first deputy reeve elected for such municipality, and that 20 no alteration reducing the limits of the municipality, and the number of persons possessing the same property qualification as voters, within five hundred, for each additional deputy reeve, since the said rolls were last revised, has taken place. 29 & 30 V., c. 51, s. 67.

County councils.

Certificates to be filed by reeves and deputy-reeves.

PROVISIONAL COUNCILS—WHO TO COMPOSE.

25 823. The reeves and deputy reeves of the municipalities within a junior county for which a provisional council is established, shall *ex-officio* be the members of the provisional council. 29 & 30 V., c. 51, s. 69.

Provisional councils, how composed.

QUALIFICATION OF MAYORS, REEVES, DEPUTY REEVES AND COUNCILLORS.

824. The persons qualified to be elected mayors, reeves, deputy 30 reeves and councillors of the municipality are such persons as reside within the municipality, or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, 35 as proprietors or tenants, a legal or equitable freehold or leasehold, or a freehold or leasehold partly legal and partly equitable, rated in their own names on the last revised assessment roll of such municipality, to at least the value following, over and above all charges liens or incumbrances affecting the same:—

Qualification of mayors, reeves, deputy-reeves and councillors.

40 Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars.

Leasehold property.

And so in the same proportions in case the property is partly freehold and partly leasehold.

Property partly freehold and partly leasehold.

The word "leasehold" in this section shall not include a 45 term less than a tenancy for a year, or from year to year; and the qualification of all persons where a qualification is requisite

"Leasehold" defined.

under this Act, may be of an estate either legal or equitable, or partly legal and partly equitable. 29 & 30 V., c. 51, s. 70.

If only one person be qualified.

825. In case there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 29 & 30 V., c. 51, s. 72.

Persons disqualified from being members of the council.

826. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, chamberlain, or clerk of any municipal corporation, no bailiff of any division court, no county attorney, no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no inn-keeper or saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall hereafter be qualified to be a member of the council; Provided always, that no person shall be held to be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the council or by having a lease of twenty-one years or upwards, of any property from the corporation of the municipality, but any such leaseholder shall not vote in the council on any question affecting any lease from such corporation. 31 V., c. 30, s. 8.

Proviso as to shareholders in certain companies.

EXEMPTIONS.

Exemptions.

827. All persons over sixty years of age; all members and officers of the Legislative Assembly of Ontario, and of the Senate and House of Commons for Canada; all persons in the civil service of the Crown; all judges not disqualified by the last preceding section; all coroners, all persons in priests' orders; clergymen and ministers of the Gospel of every denomination; all members of the Law Society of Upper Canada, whether barristers or students; all attorneys and solicitors in actual practice; all officers of courts of justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college or school in Ontario, and all officers and servants thereof; all millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed to any corporate office. 29 & 30 V., c. 51, s. 74.

ELECTORS.

Electors, qualification of.

828. The electors of every municipality for which there is an assessment roll, shall be the freeholders thereof in their own right or right of their wives, whether resident or not, and such of the residents therein for one month next before the election as then are, or whose wives then are householders or tenants in the municipality; all which electors shall be natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and (if not voting in respect of a freehold), resident within the municipality for which the vote is being taken for one month next before the election: and all which electors shall have been severally rated on the last revised assessment roll for real property in the municipality, held in their own right or that of their wives as proprietors, house-

holders or tenants, and have received no reward, nor have any expectation of reward for voting, and are named or purported to be named in the list of electors : such rating shall be absolute and final, and shall not be questioned either by any returning officer, or on any application to set aside any election. The clerk shall furnish the returning officer with a list of electors verified as such under his hand. 29 & 30 V., c. 51, ss. 75 & 101, sub-s. 8 ; 31 V., c. 30, s. 9.

829. In towns such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value of four hundred dollars ; 31 V., c. 30, s. 10. Real property, whether freehold or leasehold.

830. At the first election for a newly-created municipality, for which there is no separate assessment roll, the qualification of nomination on such list of electors and of rating on the roll is dispensed with, and every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has in his own right or that of his wife, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and name the property on which he votes at the time of tender of his vote, and he need not, though not a freeholder, have been resident for one month next before the election. 29 & 30 V., c. 51, s. 77. In newly created municipalities not having any assessment roll.

831. In towns, every elector may vote in each ward in which he has been rated for the necessary property qualification. 29 & 30 V., c. 51, s. 78. Wards in which electors may vote.

832. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 29 & 30 V., c. 51, s. 79. Owner and occupant severally rated.

833. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 31 V., c. 30, s. 11. Several owners or occupants jointly rated.

ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

834. No election for the municipality, or any ward thereof, shall be held in a tavern or house of public entertainment licensed to sell spirituous liquors. 29 & 30 V., c. 51, s. 82. No elections to be in taverns.

FIRST ELECTION IN NEW AND EXTENDED MUNICIPALITIES.

835. In case of the erection of a village into a town or of a town into a city, and in case of an additional tract of land being added to a town, or in case of a new division into wards of a town, the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29 & 30 V., c. 51, s. 83, sub-ss 3, 4, & 5. Times of elections.

Places of elections.

836. Every election shall be held in the municipality to which the same relates. 29 & 30 V., c. 51, s. 84.

To be fixed by by-law.

837. The council of every town (including a village newly erected into a town) shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal elections; otherwise the election shall be held at the place or places at which the last election for the municipality or electoral divisions was held. 29 & 30 V., c. 51, s. 85.

Annual election of members of council.

838. The electors shall elect annually, on the first Monday in January, the members of the council, except such members as 10 may have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council organized. 33 V., c. 26, s. 3.

RETURNING OFFICERS.

Returning officers for elections by wards, etc.

839. The council of every municipality in which the election 15 is to be by wards or electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing elections. 29 & 30 V., c. 51, s. 94.

WHEN CLERKS TO BE EX-OFFICIO RETURNING OFFICERS.

When clerk to be *ex officio* returning officer.

840. In the case of a municipality in which the election is not to be by electoral divisions, the clerk shall be the returning 20 officer at all elections after the first. 29 & 30 V., c. 51, s. 95.

IF THE RETURNING OFFICER BE ABSENT.

The absence of the returning officer provided for.

841. In case, at the time appointed for holding an election, the returning officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the 25 place for holding the election may choose from amongst themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a returning officer. 29 & 30 V., c. 51, s. 97. 30

THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

Returning officers to be conservators of the peace; their powers.

842. The returning officer shall, during the days of the election or of voting of electors as to a by-law, act as a conservator of the peace for the county in which the election or voting is held, and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause 35 to be arrested and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests, or threatens any voter coming to, remaining at, or going from the election or voting; and, when 40 thereto required, all constables and persons present at the election or voting shall assist the returning officer or justice of the peace. 29 & 30 V., c. 51, s. 98.

MAY SWEAR IN SPECIAL CONSTABLES.

Special con-

843. Every returning officer or justice of the peace may

appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election or voting; and any person liable to serve as constable and required to be sworn in as a special constable by returning officer or justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 29 & 30 V., c. 51, s. 99.

PROCEEDINGS AS TO ELECTIONS OF COUNCILLORS.

814. The proceedings at such elections shall be as follows :

(1.) A meeting of the electors shall take place for the nomination of candidates at noon, on the last Monday but one in December, annually, in each ward of the town, at such place therein, as shall from time to time be fixed by by-law of the council ; 31 V., c. 30, s. 16.

Proceedings, how conducted.

Nomination meetings.

(2.) Such council shall by their said by-law name the returning officer for each ward, who shall preside at the nomination of candidates, or in his absence a chairman to be chosen by the meeting shall preside, and the returning officer shall give at least six days' notice of such meeting ; 31 V., c. 30, s. 17.

Council to name returning officer.

Notice.

(3.) If only the necessary number of candidates to fill the vacant offices, shall be proposed and seconded, the returning officer or chairman, shall, after the lapse of one hour, declare such candidates duly elected ; 29 & 30 V., c. 51, s. 101, sub-s. 3.

If no more candidates than offices.

(4.) If more than the necessary number of candidates be proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January next thereafter, when a poll or polls shall be opened at such place or places as shall be fixed by the said by-law of the council for the election, at nine of the o'clock in the morning, and shall continue open until five of the o'clock in the afternoon, and no longer ; and where there are two or more electoral divisions in any ward, the said council shall by by-law fix the places for holding the election, and also name the returning officers who shall preside at the respective polling places ; 31 V., c. 30, s. 18.

If more, returning officers to adjourn proceedings.

(5.) The clerk of the town, shall, before the poll is opened, deliver to the returning officer for every or any ward or electoral division, a list of the names arranged alphabetically of all male freeholders and householders rated upon the then last revised assessment roll for real property lying in that ward or electoral division, to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand ; 29 & 30 V., c. 51, s. 101, sub-s. 5.

List of voters.

(6.) The clerk of every town shall provide the returning officer of every ward or electoral division, with a poll book, and shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and the returning officer shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name ; 31 V., c. 30, s. 19.

Poll books.

How kept.

WHO MAY ADMINISTER OATHS.

Returning officer may administer oaths.

843. The returning officer or chairman, may administer all oaths or affirmations necessary at any election, or any vote in respect of a by-law; 29 & 30 V., c. 51, s. 101, sub-s. 7.

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

The only oath to be required of voters otherwise than in respect of freehold.

846. At any election, the only oaths or affirmations to be required of any person claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the ward in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is a resident within the municipality for which the election is held, for one month next before the election; and that he is, or his wife is, a householder or tenant, within such municipality, and (except as hereafter named,) that he is the person named, or purporting to be named in the list of the electors; or in the case of a new municipality in which there has not been any assessment-roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the person offering to vote, may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality; and such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations; 29 & 30 V., c. 51, ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10.

Only oaths to be required of voters in respect of freehold.

847. And the only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the ward in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is a freeholder in his own right, (or right of his wife, as the case may require); and in every case (except as hereafter named), that he is the person named, or purporting to be named in the list of the electors; and in case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of electors, the person offering to vote, may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality. And such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations; 29 & 30 V., c. 51, ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10.

Returning officer to declare result of the election.

848. The returning officer shall, at the close of the poll, add up the number of votes set down for each candidate, and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates re-

spectively standing highest on the poll; but where a ward is divided into two or more electoral divisions, each returning officer shall, at the close of the poll, return his poll-book to the town clerk, who shall as soon as possible thereafter add up the number of votes and publicly declare the candidate so elected. 29 & 30 V., c. 51, s. 101, sub-s. 9.

849. In case two or more candidates have an equal number of votes, the returning officer, or, in case of a ward divided into electoral divisions, the town clerk, whether otherwise qualified or not, shall give a vote for one or more of such candidates, so as to decide the election; and, except in such case, no returning officer or town clerk shall vote at any election held by him. 29 & 30 V., c. 51, s. 101, sub-s. 10.

850. The returning officer shall, on the day after the close of the election, return the poll-book to the clerk from whom he received the copy of the voter's list, and also his solemn declaration thereto annexed, that the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected. 29 & 30 V., c. 51, s. 102.

851. In case, by reason of riot or other emergency, any election for councillor is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been open without interruption and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 29 & 30 V., c. 51, ss. 103, 104 and 120, and Con. Stat. U. C., c. 54, ss. 97—99.

852. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election, and a new election shall take place; and the head of the municipality shall issue his warrant accordingly. 29 & 30 V., c. 51, s. 104.

ELECTION OF MAYORS, REEVES AND DEPUTY REEVES OF TOWNS

853. Mayors, reeves and deputy reeves in towns, shall be chosen by the electors of such towns at the annual election to be held on the first Monday in January, unless chosen by acclamation on the day of nomination. 29 & 30 V., c. 51, s. 105.

854. The qualification of a mayor, reeve and deputy reeve in towns, shall be the same as that of a councillor in towns. 29 & 30 V., c. 51, s. 106.

855. A meeting of the electors shall take place for the nomination of candidates for mayor, reeve and deputy reeve at the Town Hall, on the last Monday but one in the month of December before the annual election, at ten of the clock in the forenoon. 29 & 30 V., c. 51, s. 107.

Who to pre-
side at.

856. The town clerk shall preside at such meeting, or, in case of his absence, the council shall appoint a person to preside in his place; if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves. 29 & 30 V., c. 51, s. 108. 5

Powers of
town clerk.

857. Such clerk or chairman shall have all the powers of a returning officer. 29 & 30 V., c. 51, s. 109.

If no more
candidates
than officers.

858. If only the necessary number of qualified candidates be proposed within one hour by any elector present at such meeting for any of the said offices, the clerk or chairman shall 10 declare such candidates duly elected. 29 & 30 V., c. 51, s. 110.

If more, than
of persons pro-
posed to be
posted up in
clerk's office.

859. If more candidates than the necessary number are proposed for any of the said offices, the clerk or chairman shall, on the following day, post up in the office of the clerk the names of the persons proposed, and give notice thereof to the 15 returning officer for every ward or electoral division. 29 & 30 V., c. 51, s. 111, and 31 V., c. 30, s. 21.

Where contest
for some only
of offices;
time for keep-
ing poll open.

860. In case of a contest in an election for the office of mayor, reeve or deputy reeve, the returning officer for every ward or electoral division shall keep the poll open for the full 20 time required by law for taking the votes, though there may be no contest, for the other offices for which he holds the election, 29 & 30 V., c. 51, s. 112.

Poll books.

861. Every returning officer shall enter in his poll-book, in separate columns, the names of the candidates for the office of 25 mayor, reeve or deputy reeve, and shall, in the columns in which is entered the name of a candidate for mayor, reeve, or deputy reeve voted for by any voter, set the number "1" opposite the voter's name. 29 & 30 V., c. 51, s. 113.

How kept.

Returning of-
ficer to return
poll books.
Attestation.

862. Every returning officer shall, on the day after the close 30 of the poll, return the poll-book to the town clerk, verified by his solemn declaration in writing under his hand. 29 & 30 V., c. 51, s. 114.

Duties of town
clerk after
election.

863. The town clerk shall add up the number of votes set down for each candidate for mayor, reeve and deputy reeve (*as 35 the case may be*) in the respective poll-books so returned, and ascertain the aggregate number of such votes, and in each case wherein a poll has been taken and the poll-books have been returned for every ward or electoral division, the clerk shall, at the town hall, at noon of the day following the return of the 40 poll-books, declare elected the candidate or candidates having the largest number of votes polled. 29 & 30 V., c. 51, s. 115

Declaration.

When town
clerk can give
casting vote.

864. In case two or more candidates for mayor, reeve or deputy reeve have an equal number of votes, the town clerk, whether otherwise qualified or not, shall give a casting vote for 45 one or more of such candidates, which vote shall decide the election, but except in such cases, no town clerk shall vote at any election. 29 & 30 V., c. 51, s. 116.

If no return
for one or
more wards,

865. If no return has been made for one or more wards, or electoral divisions in consequence of no election having been 50 held therein, or of the election having been interrupted through

riot or other cause, the clerk shall declare the want of return proceedings in such case. for such ward or wards, or electoral divisions, and the cause thereof. 29 & 30 V., c. 51, s. 119. See Con. Stat. U. C., c. 54, s. 116.

5 **866.** In case no return for the election of a reeve or deputy reeve be made for any one or more wards or electoral divisions, owing to riot or other cause, a poll for such ward or wards, division or divisions, shall be held under a warrant in manner provided by the eight hundred and seventy-third section of this Act. 29 & 30 V., c. 51, ss. 120 and 121. In case of no return of reeve or deputy reeve on account of riot, new poll to be had.

867. When a poll has been duly held in each of such wards or divisions, and the poll-books returned to the clerk, he shall add up the votes for reeve or deputy reeve therein set down for the respective candidates, and ascertain the aggregate number of votes for reeve or deputy reeve contained in such last named books, together with the votes contained in the poll-books previously returned for the other wards or divisions, and shall at noon, on the next day, at the town hall, declare elected reeve or deputy reeve *(as the case may be)* the candidate having the greatest number of votes polled. 29 & 30 V., c. 51, s. 121. Duties of clerk after election in wards.

868. In case no return for the election of mayor be made for one or more wards or electoral divisions, in consequence of non-election, owing to interruption by riot or other cause, the members of council elect, being at least a majority of the whole members of the council when full, shall elect one of the councillors elect to be presiding officer, at which election the clerk shall preside, and such officer shall take the necessary declarations and possess all the powers of mayor, until a poll for such ward, wards, or electoral division or divisions, has been held under a warrant in the manner provided for in the eight hundred and seventy-third section of this Act. 29 & 30 V., c. 51, s. 120, and c. 52, s. 2. Con. Stat. U. C. c. 54, ss. 101, 116, 117, 118, 119. In case of no return of Mayor in one or more wards. Proceedings in such case.

869. When a poll has been duly held in each of such wards or divisions, and the poll-books returned to the clerk, the clerk shall add up the number of votes for mayor therein set down for the respective candidates, and ascertain the aggregate number of votes contained in such last mentioned poll-books, together with the votes contained in the poll-books previously returned for the other wards or divisions, and shall at noon on the next day, at the town hall, declare elected mayor the candidate having the greatest number of votes polled. 29 & 30 V., c. 51, ss. 121, 115, 101, sub-a. 9; Con. Stat. U. C., c. 54, ss. 116, 117, 118, 119. Duties of clerk after election, under last section.

870. The person so elected mayor shall forthwith make the necessary declarations and qualifications of office, and assume the office accordingly. 29 & 30 V., c. 51, s. 122. Con. Stat. U. C., c. 54, s. 119. Declaration made by mayor.

DUTIES OF MAYORS.

871. The mayor shall be deemed the head of the council, and the head and chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the town to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his

Duties of Mayor.

power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the town. 29 & 30 V., c. 51, s. 123.

ELECTION WHEN SEAT VACATED.**Seats vacated by crime, insolvency, absence, etc.**

872. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or become insolvent, within the meaning of the Insolvent Act of 1869, or he apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or he absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. 31 V., c. 30, s. 22.

New elections provided for.

873. In any case provided for by sections eight hundred and sixty-six, eight hundred and sixty-eight and eight hundred and seventy-two, or in case a person elected to the council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the council caused by death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council shall forthwith by warrant under the signature of such head clerk or member, and under the corporate seal, require the returning officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 29 & 30 V., c. 51, s. 125.

Term of office.

874. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 29 & 30 V., c. 51, s. 126.

Non-election of members not to prevent organization of council.

875. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk in like manner as provided for by the eight hundred and seventy-third section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 29 & 30 V., c. 51, s. 127.

Time for holding, and notice of new election.

876. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. 29 & 30 V., c. 50 s. 128.

APPOINTMENTS IF ELECTION NEGLECTED.**Appointments**

877. In case at any annual or other election, the electors, from

any cause not provided for by the eight hundred and fifty-first if neglected or
and eight hundred and fifty-second sections, neglect or decline declined.
to elect the members of the council for a municipality on the
day appointed, or to elect the requisite number of members the
5 other members of the council, or if there are none then the
members for the preceding year, or the majority of them, re-
spectively, shall appoint so many qualified persons as will con-
stitute or complete the number of members requisite; and the
persons so appointed shall accept office and make the necessary
10 declarations under the same penalty in case of refusal or neglect,
as if elected. 29 & 30 V., c. 51, s. 129.

CONTESTED ELECTIONS.

878. In case the right of any municipality to a reeve or Trial of con-
deputy reeve or reeves, or in case the validity of the election tested elec-
or appointment of mayor, reeve, deputy reeve, or councillor, is tions or right
15 contested, the same may be tried in term or vacation by a to elect.
judge of either of the superior courts of common law, or the
clerk of the crown and pleas of the Court of Queen's Bench,
sitting in chambers, under the authority of the Act passed in
the thirty-third year of the reign of Her Majesty, chaptered
20 eleven, or of any general rule made or to be made under the
said Act, the senior or officiating judge of the county court of
the county in which the election or appointment took place;
and when the right of a municipality to a reeve or deputy
reeve or reeves is the matter contested, any municipal elector in
25 the county may be the relator; and when the contest is respect-
ing the validity of any such election, or appointment as afore-
said, any candidate at the election, or any elector who gave
or tendered his vote thereat, may be the relator for the purpose.
29 & 30 V., c. 51, s. 130.

PROCEEDINGS FOR THE TRIAL THEREOF.

30 879. The proceedings for the trial shall be as follows:

(1.) If within six weeks after the election, or one month after Time for limit-
acceptance of office by the person elected, the relator shews by ing, and secur-
affidavit to any such judge, or such clerk of the crown and pleas, ity and proof
reasonable grounds for supposing that the election was not legal, required.
35 or was not conducted according to law, or that the person de-
clared elected thereat was not duly elected, and if the relator
enters into a recognizance before any such judge, or said clerk
of the crown and pleas, or before a commissioner for taking
bail, in the sum of two hundred dollars, with two sureties, (to
40 be allowed as sufficient by the judge or clerk of the crown and
pleas, upon affidavit of justification,) in the sum of one hundred
dollars each, conditional to prosecute the writ with effect, or to
pay the party against whom the same is brought any costs which
may be adjudged to him against the relator, the judge or clerk
45 of the crown and pleas shall direct a writ of summons in the
nature of a *quo warranto* to be issued to try the matters con-
tested; 29 & 30 V., c. 51, s. 131, sub-sec. 1. Writ of *quo*
warranto.

(2.) In case the relator alleges that he himself or some other When relator
person has been duly elected, the writ shall be to try the valid- claims to be
50 ity, both of the election complained of, and the alleged election elected.
of the relator or other person; 29 & 30 V., c. 51, s. 131, sub-
sec. 2.

When several
are complain-
ed of.

(3.) In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons; 29 & 30 V., c. 51, s. 131, sub-sec. 3.

All to be tried
by the same
judge.

(4.) Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be returnable or heard before such judge or clerk whoever is to try the first, and such judge or clerk may give one judgement upon all or a separate judgment upon each one or more of them, as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-sec. 4. 5 10

Writ—who to
issue and re-
turn day there-
of.

(5.) The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the Crown in the county in which the election took place, and shall be returnable before the judge in chambers of any of the Superior Courts of Common Law at Toronto, or before the judge of the county court at a place named in the writ, or the said clerk of the crown and pleas sitting in chambers, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ; 29 & 30 V., c. 51, s. 131, sub-s. 5. 15 20

Returning of—
icer may be
made a party.

(6.) The judge or clerk of the crown and pleas before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto; 29 & 30 V., c. 51, s. 131, sub-s. 6. 25

Service to be
personal unless
excused by the
judge.

(7.) Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge or said clerk of the crown and pleas upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 7. 30

Judge may al-
low persons to
intervene and
defend.

(8.) The judge or clerk of the crown and pleas before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings; 29 & 30 V., c. 51, s. 131, sub-s. 8. 35

Judge shall
try summarily.

(9.) The judge or clerk of the crown and pleas shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any court named by him, or by one or more of these means, as he deemed expedient; 29 & 30 V., c. 51, s. 131, sub-s. 9. 40 45

Proof.

And remove,
admit or con-
firm.

(10.) In case the election complained of be adjudged invalid, the judge or clerk of the Crown and Pleas shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge or clerk of the Crown and Pleas determine that any other person was duly elected, he 50

shall forthwith order a writ to issue causing such other person to be admitted; and in case he determines that no other person was duly elected instead of the person removed, he shall by the writ cause a new election to be held; 29 & 30 V., c. 51, s. 131, sub-s. 10.

(11.) In case the election of all the members of a council be adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the power for causing the election to be held which a municipal council has in order to supply vacancies therein; 29 & 30 V., c. 51, s. 131, sub-s. 11.

If all the members ousted, etc., writ for new election to go to the Sheriff.

(12.) Any person whose election is complained of may, within one week after service on him of the writ, transmit, post paid, through the post office, directed "to the Clerk of the Judges' Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court," of the County of *(as the case may be)*, or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him, to the effect following:

Defendant may disclaim.

How to proceed.

"I, A. B., upon whom a writ of summons, in the nature of a *Quo Warranto*, has been served for the purpose of contesting my right to the office of Reeve *(or as the case may be)*, for the Town of *(or as the case may be)*, do hereby disclaim the said office, and all defence of any right I may have to use the same."

Form of disclaimer.

Dated the day of 18 .

(Signed)

A. B.

29 & 30 V., c. 51, s. 131, sub-s. 12.

(13.) Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed; 29 & 30 V., c. 51, s. 131, sub-s. 13.

Posting and registry of disclaimer.

(14.) Every person so disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council; 29 & 30 V., c. 51, s. 131, sub-s. 14.

Duplicate disclaimer to be delivered to clerk.

(15.) No costs shall be awarded against any person disclaiming as aforesaid, unless the judge or said clerk of the Crown and Pleas is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which cases the costs shall be in the discretion of the judge or clerk; 29 & 30 V., c. 51, s. 131, sub-s. 15.

Costs provided for.

(16.) In all cases, not otherwise provided for, costs shall be in the discretion of the judge or clerk of the Crown and Pleas aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 16.

When discretionary.

(17.) Where there has been a contested election, the person elected may at any time after the election, and before his elec-

Persons elected may disclaim at any

time before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows :—

Form of disclaimer.

" I, A. B., do hereby disclaim all right to the office of Reeve
 " (or as the case may be) for the Town of
 " (or as the case may be), and all defence of any right I have to
 " the same." 5

Disclaimer to operate as a resignation.

Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having the next highest number of votes shall then become the reeve (or as the case may be); 29 & 30 V., c. 51, s. 131, sub-s. 17. 10

Judge to return his judgment to the Court in time to be final.

(18.) The decision of the judge or clerk aforesaid of the Crown and Pleas shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *Mandamus*, and by writs of execution for the costs awarded; 29 & 30 V., c. 51, s. 131, sub-s. 18. 15

Judges to make rules, etc.

(19.) The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, *mandamus*, and execution, and may regulate the practice respecting the suing out, service, and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the court or judge, or clerk of the crown and pleas aforesaid, and respecting the practice generally in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules: but all existing rules shall remain in force until rescinded or altered as aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 19. 20 25 30

Appointments equivalent to elections.

880. The appointment of members of municipal councils when required to be made under this Act, shall be deemed elections within the preceding section, and in such cases the relator may be any member of the council, or any elector of the municipality or ward for which the appointment was made. 29 & 30 V., c. 51, s. 132. 35

MEETINGS OF COUNCIL, &c.

First meetings of councils.

881. The members of the council shall hold their first meeting at noon, on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 29 & 30 V., c. 51, s. 133. 40

Place of meetings of councils.

882. The subsequent meetings of the council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution or adjourning to be entered on the minutes, or by by-law, appoints. 29 & 30 V., c. 51, s. 138. 45

Meetings to be open.

883. The council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. 29 & 30 V., c. 51, s. 140. 50

884. In case there is no by-law of the council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held; and a special meeting may be open or closed as in the opinion of the council expressed by resolution in writing, the public interest requires. 29 & 30 V., c. 51, s. 141.

Special where
to be held;
may be closed.

885. A majority of the whole number of members required by law to constitute the council shall form a quorum. 29 & 30 V., c. 51, s. 142.

Quorum.

886. When the council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. 29 & 30 V., c. 51, s. 143.

In councils of
five, three
must concur.

887. Every council may adjourn its meeting from time to time. 29 & 30 V., c. 51, s. 144.

Adjournments

WHO TO PRESIDE IN COUNCIL.

888. The head of the council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the council. 29 & 30 V., c. 51, s. 145.

The heads to
preside in
Council.

889. In case of the death or absence of the head of a council, the reeve, and in case of the absence or death of both of them, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall decide which of them shall preside at their meeting. 29 & 30 V., c. 51, s. 146.

Absence of
head provided
for.

890. In the absence of the head of the council, and also of the deputy reeve or deputy reeves, if there be one or more, by leave of the council, or from illness, the council may, from among the members thereof eligible to be elected head, appoint a presiding officer, who during such absence, shall have all the powers of the head of the council. 29 & 30 V., c. 51, s. 147.

Absence of
head and
deputy reeves
provided for.

891. If the person who ought to preside at any meeting does not attend within () minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29 & 30 V., c. 51, s. 148.

Casual absence
provided for.

892. The head of the council, or the presiding officer or chairman of any meeting of the council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 29 & 30 V., c. 51, s. 149.

Head to vote.
Presumption
in case of ties.

RESIGNATION OF MEMBERS.

893. Vacancies caused by the resignation of a reeve or a deputy reeve shall be filled by an ordinary election, as provided by section eight hundred and seventy-three. 29 & 30 V., c. 52, s. 150.

Resignation of
reeve or
deputy reeve
provided for.

Resignation of
Mayor or
members pro-
vided for.

894. Any mayor or other member of a council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death. 29 & 30 V., c. 51, s. 151.

5

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

Clerk and his
duties.

895. The council shall appoint a clerk ; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted ; and shall keep 10 the books, records and accounts of the council ; and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of proceedings of the council, all which he shall so keep in his office, or in the place appointed by by-law of the council. 92 15 & 30 V., c. 51, s. 152.

Minutes, etc.,
to be open to
inspection.

896. Any person may inspect any of the particulars aforesaid at all seasonable times ; and the clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council 20 appoints, and shall on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 29 25 & 30 V., c. 51, s. 153.

Copies to be
furnished and
charge there-
for.

Clerk to trans-
mit a yearly
return of rate-
payers to the
treasurer of
the Province.

897. The clerk shall, on or before the first day of December in each year, transmit to the treasurer of the Province a true return of the number of resident ratepayers appearing on the revised assessment roll of his municipality for the year, and 30 shall accompany such return with an affidavit made before a justice of the peace verifying the same, in the following form :

Oath of veri-
fication.

"I, A. B., clerk of the corporation of the municipality of the
"town of _____ make oath and say,
"that the above (*or the within written or the annexed*) return 35
"(*as the case may be*), contains a true statement of the number
"of resident ratepayers appearing on the assessment roll of the
"said town for the year one thousand eight hundred and

(Signed),

A. B.

"Sworn before me, &c." 29 & 30 V., c. 51, s. 154.

40

Penalty for
default.

898. And in case of default in any year so to transmit, the clerk shall be liable to a penalty of twenty dollars, to be paid to the treasurer of the Province for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this 45 Act. 29 & 30 V., c. 51, s. 155.

To make a
yearly return
to the Secre-
tary and Regis-

899. The clerk shall, in each year, within one week after the first day of January, make a return to the clerk of the county in which the municipality is situate, of the following particu-

lars respecting his municipality for the year then last past, namely : trar of the Province.

5 Heads of columns in assessment roll to be varied according to the form of the assessment roll required by law.	(1.) Number of persons assessed. (2.) Number of acres assessed. (3.) Total actual value of real property. (4.) Total of taxable incomes. (5.) Total value of personal property. (6.) Total amount of assessed value of real and personal property.	What such return shall show.
10	(7.) Total amount of taxes imposed by by-laws of the municipality.	
	(8.) Total amount of taxes imposed by by-laws of the county council.	
15	(9.) Total amount of taxes imposed by by-laws of any provisional county council.	
	(10.) Total amount of lunatic asylum or other Provincial tax.	
	(11.) Total amount of all taxes as aforesaid.	
	(12.) Total amount of income collected or to be collected from assessed taxes for the use of the municipality.	
20	(13.) Total amount of income from licenses.	
	(14.) Total amount of income from public works.	
	(15.) Total amount of income from shares in incorporated companies.	
	(16.) Total amount of income from all other sources.	
25	(17.) Total amount of income from all sources.	
	(18.) Total expenditure on account of roads and bridges.	
	(19.) Total expenditure on account of other public works and property.	
30	(20.) Total expenditure on account of stock held in any incorporated company.	
	(21.) Total expenditure on account of schools and education, exclusive of school trustees' rates.	
	(22.) Total expenditure on account of the support of the poor or charitable purposes.	
35	(23.) Total expenditure on account of debentures and interest thereon.	
	(24.) Total gross expenditure on account of administration of justice in all its branches.	
	(25.) Amount received from government on account of administration of justice.	
40	(26.) Total net expenditure on account of administration of justice.	
	(27.) Total expenditure on account of salaries; and the expenses of municipal government.	
45	(28.) Total expenditure on all other accounts.	
	(29.) Total expenditure of all kinds.	
	(30.) Total amount of liabilities secured by debentures	
	(31.) Total amount of liabilities unsecured.	
	(32.) Total liabilities of all kinds.	
50	(33.) Total value of real property belonging to the municipality.	
	(34.) Total number of sheep worried by dogs, and the amount paid therefor by the municipality.	
55	(35.) Total value of stock in incorporated companies owned by the municipality.	
	(36.) Total amount of debts due to the municipality.	
	(37.) Total amount of arrears of taxes.	
	(38.) Balance in hands of treasurer.	
	(39.) All other property owned by the municipality.	

(40.) Total assets ; 29 & 30 V., c. 51, s. 156, and 31 V., c. 30, s. 23.

To make a yearly return to the Secretary and Registrar of the Province. What such return shall and how.

900. The clerk of every county shall, before the first day of February in each year, prepare and transmit to the Secretary and Registrar of the Province, a statement of the aforesaid particulars respecting all the municipal corporations within his county, entering each corporation in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole county. 29 & 30 V., c. 51, s. 157. 5 10

Moneys to be retained if returns not made.

901. The treasurer of the county shall retain in his hands any moneys payable to any municipal corporation, if it is certified to him by the clerk of the county, that the clerk of such corporation has not made the return hereinbefore required ; and the treasurer of the Province shall retain in his hands any moneys payable to any such corporation, if it is certified to him by the Secretary and Registrar of the Province, that the clerk of such corporation, has not made the returns hereinbefore required ; and any person so required to make any return by a particular day, who fails so to do, shall be liable to a penalty of twenty dollars, to be paid to the treasurer of the Province, for the use of the Province, to be recovered by summary proceedings in the manner provided for infringing by-laws under this act ; 29 & 30 V., c. 51, s. 159. 15 20

Penalty.

TREASURER.

Treasurer to give security.

902. The council shall appoint a treasurer ; and every treasurer, before entering upon the duties of his office, shall give such security as the council directs, for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands ; provided that it shall be the duty of the council, in each and every year, to enquire into the validity of the security given by such treasurer and report thereon ; 29 & 30 V., c. 51, s. 161. 25 30

Yearly enquiry as to the validity of security.

To receive, take care of, and disburse moneys, etc. ;

903. Every treasurer shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the council direct ; but no member of the corporation shall receive any money from such treasurer for any work performed or to be performed ; and such treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the council ; 29 & 30 V., c. 51, s. 162. 35 40

Liability limited.

To make a yearly return to board of audit of the Province.

904. The treasurer of every municipality for which any sum of money has been raised on the credit of the consolidated municipal loan fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such municipality, transmit to the board of audit, on or before the fifteenth day of January in every year, a return, certified on the oath of the treasurer before some justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls, a true account of all the debts and liabilities of the municipality for every purpose, for the then last year ; and such further information and particulars with regard to the liabilities and resources of the municipi- 45 50

How attested and what it must show.

pality as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the crown and in any court or in any way in which debts due to the crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove by any one witness or other evidence that such account, return information or particulars ought to have been transmitted by the defendant, as alleged on the part of the crown, and the onus of proving that the same was so transmitted shall rest on the defendant; and it shall also be the duty of such treasurer to prepare and submit to the municipal council half-yearly, a correct statement of the moneys at the credit of the municipality whose officer he is; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such treasurer to draw any moneys belonging to such municipality; 29 & 30 V., c. 51, s. 163.

ASSESSORS AND COLLECTORS.

905. The council shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same property qualifications as that required for a councillor of the municipality, the same person may be appointed assessor or collector for more than one ward or electoral division. 29 & 30 V., c. 51, s. 164.

Assessors and Collectors; appointments and qualification of.

906. The assessors shall state in their assessment rolls whether the persons named therein are freeholders, householders or tenants, and shall, in separate columns for this purpose, use the initial letters "F" "H" or "T" to signify the same respectively. 31 V., c. 30, s. 24.

Assessors to designate freeholders and householders in their assessment rolls.

907. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166.

Householder defined.

AUDITORS.

908. The council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the town except as auditor, shall be appointed an auditor. 29 & 30 V., c. 51, s. 169.

Auditors.

Disqualification for office of.

909. The auditors shall examine and report upon all accounts affecting the town, or relating to any matter under its control or within its jurisdiction, for the year ending on the

Duties of.

thirty-first day of December preceding their appointment. 29
& 30 V., c. 51, s. 170.

To prepare an abstract and detailed statement of receipts and expenditure, etc.

910. The auditors shall prepare an abstract of the receipts, expenditure and liabilities of the town, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or ratepayer of the municipality may inspect one of such duplicate reports at all reasonable hours, and may by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. 29 & 30 V., c. 51, s. 171.

The council to audit finally.

911. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the town: and in case of charges not regulated by law, the council shall allow what is reasonable. 29 & 30 V., c. 51, s. 172.

Clerk to publish abstracts and statements.

912. The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs. 29 & 30 V., c. 51, s. 173.

Valuators, appointment of.

913. The council of every county may appoint two or more valuers within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the county council, but such valuers shall not exceed the powers possessed by assessors under this Act, and the valuation so made, may be made the basis of equalization by the county council for a period not exceeding five years. 29 & 30 V., c. 51, s. 175.

SALARIES AND CONTINUANCE IN OFFICE.

Salaries of officers.

114. In case the remuneration of any of the officers of the municipality has not been settled by act of the legislature or by the council, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council. 29 & 30 V., c. 51, s. 176. 35

Of Treasurer.

915. The treasurer may be paid a salary or per centage; and all officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council having jurisdiction over such officers. 29 & 30 V., c. 51, s. 177. 40

OFFICIAL DECLARATIONS.

Declaration of qualification.

916. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent; shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Form of.

"I, A. B., do solemnly declare that I am a natural born (or "naturalized") subject of Her Majesty; and have and had to 50

" my own use and benefit in my own right (or have and had
 " in right of my wife as the case may be), as proprietor (or ten-
 " ant as the case may be) at the time of my election to the office
 " of hereinafter referred to (or appointment
 5 " as the case may require) such an estate as does qualify me to
 " act in the office of (naming the office) for (naming the place
 " for which such person has been elected or appointed) and that
 " such estate is (the nature of the estate to be specified as an
 " equitable estate of leasehold or otherwise, as the case may re-
 10 " quire, and if land, the same to be designated by its local de-
 " scription, rents, or otherwise), and that such estate at the time
 " of my election (or appointment as the case may require), was
 " of the value of at least (specifying the value) over and above
 " all charges, liens, and incumbrances affecting the same ;" 29 &
 15 30 V., c. 51, s. 178.

917. Every returning officer and returning officer's clerk, Declaration of
 every councillor, every justice of the peace for a town, and every office.
 clerk, assessor, collector, and other officer appointed by a coun-
 cil shall also, before entering on the duties of his office, make
 20 and subscribe a solemn declaration to the effect following :

" I, A. B., do solemnly promise and declare, that I will truly, Form of.
 " faithfully and impartially, to the best of my knowledge and
 " ability, execute the office of (inserting the name of the office)
 " to which I have been elected (or appointed) in this town, and
 25 " that I have not received and will not receive any payment or
 " reward, or promise of such, for the exercise of any partiality
 " or malversation or other undue execution of the said office,
 " and that I have not by myself or partner, either directly or
 " indirectly, any interest in any contract with or on behalf of
 30 " the corporation ;" 29 & 30 V., c. 51, s. 179.

918. The solemn declaration to be made by every mayor Declaration as
 and councillor shall also state that he has not by himself or his to non-interest
 partner an interest in any contract with or on behalf of the cor- in contracts.
 poration ; 29 & 30 V., c. 51, s. 180.

35 **919.** The solemn declaration to be made by every auditor Auditors de-
 shall be as follows :

" I, A. B., having been appointed to the office of auditor for Form of.
 " the municipal corporation of the Town of (naming the town)
 " do hereby promise and declare that I will faithfully
 40 " perform the duties of such office according to the
 " best of my judgment and ability ; and I do, solemnly
 " declare, that I had not directly or indirectly any share
 " or interest whatever, in any contract or employment
 " (except that of auditor, if re-appointed,) with, by, or on be-
 45 " half of such municipal corporation, during the year preced-
 " ing my appointment, and that I have not any contract or em-
 " ployment (except that of auditor, if re-appointed), for the
 " present year." 29 & 30 V., c. 51, s. 181.

920. The head and other members of the council and the Heads and
 50 subordinate officers of the municipality, shall make the declar- other members
 ation of office and qualification before some court, judge, police of the council
 magistrate, or other justice of the peace having jurisdiction in before whom
 the municipality for which such head, member or officers have to declare.
 been elected or appointed, or before the clerk of the munici-
 55 pality. 29 & 30 V., c. 51, s. 182.

Certificate of
declaration.

921. The court, judge, or other person before whom such declarations are made, shall give the necessary certificate of the same having been duly made. 29 & 30 V., c. 51, s. 183.

Heads, etc.,
may adminis-
ter oaths.

922. The head of any council, any reeve, or deputy reeve, any justice of the peace and clerk of a municipality, may, with- 5
in the municipality, administer any oath, affirmation or declar-
ation, under this Act, relating to the business of the place in
which he holds office, except where otherwise specially provid-
ed, and except where he is the party required to take the oath
or affirmation, or make the declaration. 29 & 30 V., c. 51, s. 15
184.

Oath or
declaration to
be subscribed
and kept.

923. The deponent, affirmant, or declarant, shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of 20
the municipality to the affairs of which it relates. 29 & 30 V., c. 51, s. 185.

Penalty for
refusing to ac-
cept office,
take the oaths,
etc.

924. Every qualified person duly elected or appointed to be a mayor, reeve, deputy reeve, councillor, assessor or collector of or in any municipality, who refuses such office, or does not 25
make the declaration of office and qualification within twenty
days after knowing of his election or appointment, and every
person authorized to administer any such declaration, who, up-
on reasonable demand, refuses to administer the same, shall, on
conviction thereof, before two or more justices of the peace, un- 30
der and subject to the Consolidated Act of Canada, respecting
the duties of justices of the peace out of session, in relation to
summary convictions and orders, forfeit not more than eighty
dollars, nor less than eight dollars, at the discretion of such
justices, to the use of the municipality, together with the cost 35
of prosecution. 29 & 30 V., c. 51, s. 186.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

Embezzlement
of books,
money, etc.

925. All books, papers, accounts, documents, moneys and valuable securities, respectively, by any person or officer ap-
pointed or employed by or on behalf of any council, kept or
received by virtue of his office or employment, shall be the 40
property of the town, and no such person or officer shall refuse
or fail to deliver up or pay over the same respectively to the
town, or to any person authorized by the council to demand
them, but nothing herein shall affect any remedy of the cor-
poration or of any other person against the offender or his sure- 45
ties, or any other party. 29 & 30 V., c. 51, s. 187.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

Stealing or de-
stroying, etc.,
certain docu-
ments relating
to municipal
elections.

926. No person shall unlawfully or maliciously, either by violence or stealth, take from any deputy, returning officer or poll-clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, 50
or unlawfully or maliciously destroy, injure or obliterate, or
cause to be wilfully or maliciously destroyed, injured or oblit-
erated, or make or cause to be made any erasure, addition of
names or interlineation of names into or upon, or aid, counsel,

or assist in so taking, destroying, injuring, or obliterating, or in making any erasure, addition of names or interlineation of names into or upon, any writ of election, or any return to a writ of election, or any indenture, poll-book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to, or for the purpose of meeting the requirements of the law in regard to municipal elections. 29 & 30 V., c. 51, s. 188.

JURISDICTION OF THE COUNCIL.

927. The jurisdiction of the council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given, and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for. 29 & 30 V., c. 51, s. 190.

Local jurisdiction of councils.

928. The council may make regulations not specially provided for by this Act, and not contrary to law, for governing the proceedings of the council,—the conduct of its members,—and the appointing or calling of special meetings of the council; and generally, such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 29 & 30 V., c. 51, s. 191.

General power to make local regulations.

To regulate meetings and proceedings.

To repeal or alter by-laws.

BY-LAWS OF THE COUNCIL.

HOW AUTHENTICATED.

929. Every by-law of the council shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 29 & 30 V., c. 51, s. 192.

How by-laws to be authenticated.

930. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged. 29 & 30 V., c. 51, s. 193.

Certified copies to be evidence.

OPPOSITION TO RATEPAYERS.

931. In case any person rated on the assessment roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend, in person or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining sig-

Opposition to by-laws applied for by ratepayers.

natures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 29 & 30 V., c. 51, s. 194.

Provision for. **932.** If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 29 & 30 V., c. 51, s. 195.

PROCEEDINGS WHEN THE ASSENT OF THE ELECTORS IS REQUIRED.

If a by-law requires the assent of the electors. **933.** In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for. 29 & 30 V., c. 51, s. 196.

Time and place of voting shall be fixed by by-law. (1.) The council shall by the by-law fix the day, hour and place of taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for; 29 & 30 V., c. 51, s. 196, sub-a. 1.

Proposed by-law to be published. (2.) The council shall, for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the municipality, or if there is no such newspaper, in some newspaper, in the nearest place in which a newspaper is published, and also put up a copy of the by-law at four or more of the most public places in the municipality; 29 & 30 V., c. 51, s. 196, sub-a. 2.

Notice to be given. (3.) Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors; 29 & 30 V., c. 51, s. 196, sub-a. 3.

Poll. (4.) At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof shall be conducted in the same manner, as nearly as may be, as at a municipal election; 29 & 30 V., c. 51, s. 196, sub-a. 4.

Verified poll book to be returned. (5.) Every returning officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration in writing under his hand thereto annexed to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to the clerk of the county council every poll-book so delivered to him; 29 & 30 V., c. 51, s. 196, sub-a. 5.

(6.) The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll books among the records of his office; 29 & 30 V., c. 51, s. 196, sub-s. 6.

Clerk to sum up and declare result.

WHAT FREEHOLDER MAY VOTE ON A BY-LAW.

934. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or a naturalized subject of Her Majesty and has neither directly nor indirectly received, nor is in expectation of receiving any reward or gift for the vote which he tenders; and is at the time of tender of the vote a freeholder, either at law or in equity, in his own right, or in right of his wife, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named in the list of electors. 29 & 30 V., c. 51, s. 196, sub-s. 7.

Qualification of freehold voter.

WHAT LEASEHOLDER MAY VOTE ON A BY-LAW.

935. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken, for one month next before the vote, and who is, or whose wife is, a leaseholder within such municipality, which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the list of electors. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10, 46, 47.

Qualification of leasehold voter.

OATH BY FREEHOLDER ON A BY-LAW.

936. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own right (or in right of his wife, as the case may require), within the municipality for which the vote is taken; that he has not voted before on the by-law in the ward in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors; and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, ss. 196,

Oath, etc., required of freeholders offering to vote.

Form.

77, 101, sub-s. 8; 31 V., c. 30, s. 47. See also 31 V., c. 30, ss. 9, 46, and ss. of this Act.

OATH BY A LEASEHOLDER ON A BY-LAW.

Oath, etc.,
required of
leaseholders
offering to
vote.

937. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next before the vote; that he (or his wife, as the case may require), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes; that he has not before voted on the by-law in the ward (as the case may be) in which he is voting; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, in the list of electors: and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8. See also 31 V., c. 30, ss. 9, 10, 46, 47, 25 and sections of this Act.

Form.

WHEN REQUIRING THE ASSENT OF THE LIEUTENANT-GOVERNOR IN COUNCIL.

When the as-
sent of the
Lieutenant
Governor is
required to
by-law.

938. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the Treasurer and Clerk thereof, and by such other persons and on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Lieutenant-Governor in Council will accept. 29 & 30 V., c. 51, s. 197.

WHEN AND HOW QUASHED.

When and
how quashed.

939. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit, that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court, after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality, and according to the result of the application, award costs for or against the corporation; Provided always, that no application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such

Provido; time
within which
the applica-
tion must be
made.

application shall be made to such court within one year from the passing of such by-law, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of
 5 such electors or ratepayers, and in such case an application to quash such by-law may be made at any time. 29 & 30 V., c. 51, s. 198.

WHEN CONFIRMED BY PROMULGATION.

940. In case a by-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no
 10 application to quash the by-law shall be entertained after six months have elapsed since the promulgation. 29 & 30 V., c. 51, s. 199.

Time after which by-law cannot be quashed if properly promulgated.

941. Every special promulgation of a by-law within the meaning of this Act shall consist in the publication, through
 15 the public press, of a true copy of the by-law, and of the signature attesting its authenticity with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof. 29 & 30 V., c. 51, s. 200.

What shall be such promulgation.

942. In the case of a by-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of the by-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate and giving the substance only of the other parts of the
 25 by-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the municipality, or if there be no such newspaper, then in at least two public newspapers
 30 published weekly or oftener nearest the municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper. 29 & 30 V., c. 51, s. 201.

And if the by-law impose a rate.

943. The notice to be appended to every copy of a by-law
 35 for the purpose aforesaid, shall be to the effect following :

Notice to be given.

"NOTICE.—The above is a true copy of a by-law passed by the municipal council of the town of A, in the county of B, on the day of , 18 , and (where the approval
 40 of the Lieutenant-Governor in Council is by law required to give effect to such by-law) approved by the Lieutenant-Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice that any one desirous of applying to have such by-law or any part thereof quashed,
 45 must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the*
 50 *newspapers in which the publication is to be made*); or he will be too late to be heard in that behalf.

Form of such notice.

G. H.,
 Town Clerk."

Notice setting forth the rate and substance of by-law.

944. The notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law, for the purpose aforesaid, shall be to the effect following:

Form of such notice.

"Town of A, in the County of B, in Ontario, to wit:

Notice is hereby given, that a by-law, intituled (*set out the title*), and numbered (*give the number by which the by-law is designated*), was on the day of , 18 , passed by the municipal council of the town of A, in the County of B, for the purpose of (*here set out in substance the object of the by-law*), as "raising the necessary funds to meet the general public expenses of the town of for the year 18 ," or "for the purpose of raising and contracting for a loan of dollars, for making and macadamizing a road from to " (*or otherwise, as the case may be*), and (*where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law*) approved by the Lieutenant-Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of 20 Her Majesty's Superior Courts of Common Law at Toronto, within six calendar months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (*here name the newspapers in which the publication is to be made*) 25 or he will be too late to be heard in that behalf.

G. H.

Town Clerk."

29 & 30 V., c. 51, s. 203.

If not moved against within the time limited, to be valid.

945. In case no application to quash any by-law be made 30 within the time limited for that purpose, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, as far as the same ordains, prescribes, or directs anything within the proper competence of the council to ordain, prescribe, or direct, shall, notwithstanding 35 any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 29 & 30 V., c. 51, s. 204.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

Liability of municipality for acts done under a by-law afterwards quashed.

946. In case a by-law, order, or resolution be illegal in whole or in part, and in case anything has been done under it 40 which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order, or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the corporation, 45 and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order, or resolution. 29 & 30, V., c. 51, s. 205.

TENDER OF AMENDS BY.

Tender of amends.

947. In case the corporation tenders amends to the plaintiff or his attorney, if such tender be pleaded and (if traversed) 50 proved, and if no more than the amount tendered is recovered,

the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29 & 30 V., c. 51, s. 206.

OFFENCES AGAINST BY-LAWS.

- 5 **948.** No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law, illegally attempting to repeal such first mentioned by-law, or to alter the same, so as to diminish the amount to be levied under it; 29 & 30 V., c. 51, s. 207. Offences by officers of municipality against by-laws.
- 10 **949.** In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or
15 not, may try and determine any prosecution for the offence. 29 & 30 V., c. 51, s. 208. Jurisdiction to try offences where no other provision is made for trial.

- 950.** The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible
20 witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit, with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of
25 one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 29 & 30 V., c. 51, s. 209. Evidence. Penalty and costs. How levied.

- 951.** In case of there being no distress found, out of which
30 the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up-house, for the term or some part thereof, specified in the by-law; 29 & 30 V., c. 51, s. 210. Commitment in default of distress.

- 952.** When the pecuniary penalty has been levied, one
35 moiety thereof shall go to the informer or prosecutor, and the other moiety to the corporation, unless the prosecution is brought in the name of the corporation, and in that case the whole of the pecuniary penalty shall be paid to the corporation; 29 & 30 V., c. 51, s. 211. Fines, how applied.

- 40 **953.** The police magistrate, or when there is no police magistrate, the mayor of a town, shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town, and for penalties for refusing to accept office therein, or to make the necessary de-
45 clarations of qualification and office. 29 & 30 V., c. 51, s. 212. Jurisdiction of police magistrate and mayors over penal offences.

DEBENTURES, &c.

HOW TO BE MADE.

- 954.** All debentures and other specialties duly authorized to be executed on behalf of the corporation of a municipality, Debentures, bonds, etc.,

how to be executed.

shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law, is properly applied to the payment of the interest and principal of such debentures. 29 & 30 V., c. 51, s. 213. 5

TRANSFERABLE BY DELIVERY, &C.

Transferable.

955. Any debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any municipal corporation, payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 214. 15

Or if endorsed in blank when payable to order.

956. Any debenture issued as aforesaid and made payable to any person or order, shall, (after the endorsement thereof in blank, by such person,) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 215. 20

In pleading sufficient to describe the plaintiff as the holder.

957. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading, to describe the plaintiff as the holder of the debenture, (alleging the endorsement in blank, if any), and shortly to state its legal effect and purport, and to make proof accordingly. 29 & 30 V., c. 51, s. 216. 30

Full amount recoverable, though not negotiable at interest exceeding six per cent. or below par.

958. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such a corporation, at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum, is reserved thereby or made payable thereon. 29 & 30 V., c. 51, s. 217. 35

RESTRICTIONS UPON COUNCILS.

Restrictions upon councils as to issuing bills, bonds, etc.

Proviso.

659. No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void. Provided always, that nothing herein contained, shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enacts that "no council shall act as bankers or issue any bond, bill, note, debenture or other undertaking 40 45 50

ing of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie or to pass as money; and any bond, bill, note, debenture or other undertaking issued in contravention of the said section two hundred and eighteen, shall be void: and that in case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange, any bond, bill, note, debentures or undertaking of any kind, or in any form in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor: and that no council shall have power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on any person exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling;" 29 & 30 V., c. 51, ss. 218, 219, and 220.

960. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the said Dominion; 29 & 30 V., c. 51, s. 221; see the B. N. A. Act, 1867, s. 91, sub-s. 13. Except as to ferry.

961. In case a member of the council of the municipality, either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void in equity, the same contract, purchase, or sale, shall also be held void in any action at law thereon against the corporation; 29 & 30 V., c. 51, s. 222. Contracts by members with the corporation void in law, if void in equity.

COST OF MANDAMUS.

962. Upon any application for a writ of *mandamus* for or against the corporation of the municipality, the courts may, in their discretion, grant and refuse costs. 29 & 30 V., c. 51, s. 223. Costs of mandamus.

EXECUTION AGAINST THE CORPORATION.

963. Any writ of execution against the corporation of the municipality, may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon, shall then be the following: 29 & 30 V., c. 51, s. 224. Proceedings on writs of execution against municipalities.

(1.) The sheriff shall deliver a copy of the writ and endorsement to the treasurer, or leave such copy at the office or dwelling house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service; 29 & 30 V., c. 51, s. 224, sub-s. 1. Sheriff to deliver statement to the treasurer.

(2.) In case the amount with interest thereon from the day If not paid a

rate to be struck.

mentioned in the statement, be not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's per centage, up to the time when such rate will probably be available ; 29 & 30 V., c. 51, s. 224, sub-s. 2. 5

Sheriff's precept to levy.

(3.) The sheriff shall thereupon issue a precept or precepts under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept command the collector or collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates ; 29 & 30 V., c. 51, s. 224, sub-s. 3. 10 15

Who to collect rate.

(4.) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A.B., vs. The Town of " (as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage ; 29 & 30 V., c. 51, s. 224, sub-s. 4. 20 25 30

Surplus.

(5.) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation ; 29 & 30 V., c. 51, s. 224, sub-s. 5. 35

Clerk, assessors and collectors to be officers of the Court from which writ issues.

(6.) The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them ; 29 & 30 V., c. 51, s. 224, sub-s. 6. 40

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Yearly rates to be levied sufficient to pay all debts payable within the year. Aggregate rate limited.

964. The council shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates ; unless and except only in those cases, and as heretofore 45 50

5 specially authorized in that behalf: Provided always that nothing herein contained shall be construed to affect so much of the provisions of section two hundred and twenty-five of the Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of her present Majesty, and chaptered fifty one, which enacts that if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and principal of the debts 10 contracted by such municipality at the time of passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but should 15 contract no further debts until the annual rates required to be levied within such municipality were reduced within the aggregate rate aforesaid. 29 & 30 V., c. 51, s. 225.

* **965.** Every municipality shall have power of exempting any manufacturing establishment from taxation for any period not 20 longer than five years. 33 V., c. 26, s. 15. Manufacturing establishment exempted.

BY-LAWS TO CREATE DEBTS, ETC.

966. The council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose with- 25 in the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions; 29 & 30 V., c. 51, s. 226. By-laws for creating a debt.

(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in 30 which the same is passed, when the by-law shall take effect; 29 & 30 V., c. 51, s. 226, sub-s. 1. Terms of. When to take effect.

(2.) If not contracted for gas or water works, or for the purchase of public works, according to this act or other acts relating thereto, the whole of the debt, and the obligations to be 35 issued therefor, shall be made payable in twenty years at furthest, from the day on which such by-law takes effect; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect; 29 & 30 V., c. 51, s. 226, 40 sub-s. 2. If for gas works, etc. When to be redeemed.

(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for pay- 45 ing the debt and interest; 29 & 30 V., c. 51, s. 226, sub-s. 3. To provide a yearly rate.

(4.) Such special rate shall be sufficient, according to the 45 amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable; 29 & 30 V., c. 51, s. 226, sub-s. 4. To be sufficient in amount.

(5.) The amount of ratable property shall be ascertained 50 irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share Irrespective of future increase of ratable property.

or interest in the work, upon which the money to be so raised or any part thereof, is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof; 29 & 30 V., c. 51, s. 226, sub-s. 5.

Recitals in.

(6.) The by-law shall recite: (1.) The amount of the debt, which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2.) The total amount required by this Act to be raised annually by special rate, for paying the new debt and interest; 10 (3.) The amount of the whole ratable property of the municipality, according to the last revised, or revised and equalized assessment rolls; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately, and how much (if any), interest is in arrears; and, (5.) The 15 annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act; 29 & 30 V., c. 51, s. 226, sub-s. 6.

To be assented to by electors.

165. Every by-law (except for drainage as provided for 20 under the section of this Act), for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the 25 manner provided for in the section of this Act; 29 & 30 V., c. 51, s. 227.

PURCHASE OF PUBLIC WORKS.

Municipal councils may purchase public works and contract debts without imposing a yearly rate as provided in the three last sections.

166. Any council may contract a debt to Her Majesty, in the purchase of any of the public roads, harbours, bridges, 30 buildings or other public works in Ontario, whether belonging to this Province or the Dominion of Canada; and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work already sold or transferred, or which 35 may be sold or transferred, or agreed to be sold or transferred to such municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, 40 covenants and other securities, shall be valid although no special or other rate per annum has been settled or imposed to be levied in each year, as provided by the three last preceding sections of this Act; 29 & 30 V., c. 51, s. 229; see C. A. 31 V., c. 12, ss. 54, 55, 56, 57. 45

Rates may be imposed for the payment of debts contracted with the crown for such works.

(1.) But any council may in any by-law to be passed for the creation of any such debt, or for the executing any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the 50 council may deem expedient, in addition to all other rates whatsoever, to be levied in each year, upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants, or other securities, or

some part thereof, and the by-law shall be valid, although the rate settled or imposed thereby, be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised, or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby; 29 & 30 V., c. 51, s. 229, sub-s. 2.

- 10 (2.) The council purchasing any claim under chapter seven of the consolidated statutes for Upper Canada, respecting the sale and purchase of claims due to government for moneys advanced to public works, may raise by assessment the sum necessary to pay the consideration agreed upon; 29 & 30 V., c. 51, s. 229, sub-s. 3.

Purchase of claims due to government.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

969. Every council shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, of every debt, to be both distinguished from all other accounts in the books by some prefix, designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof; 29 & 30 V., c. 51, s. 230.

Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund.

970. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account of such debt; 29 & 30 V., c. 51, s. 231.

When surplus to be carried to sinking fund account.

HOW SURPLUS TO BE INVESTED.

971. Every council shall, from time to time, invest in government securities, or otherwise, as the Lieutenant-Governor in council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof as cannot be immediately applied towards paying the debt, by the reason of no part thereof being yet payable; and the council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs, the amount levied by the special rate to be applied, but the Lieutenant-Governor in council, may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account, or of the special rate account as aforesaid, instead of being so invested as aforesaid, shall, from time to time, as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said council can agree for, of any part of such debt, or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the council shall thereupon apply and continue

How surplus to be disposed of.

Investments how to be made.

Application of moneys with consent of Governor in Council.

to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order; 29 & 30 V., c. 51, s. 232.

APPROPRIATION OF SURPLUS.

Council may apply other funds towards such debts.

972. The council may appropriate to the payment of any debt, the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated, shall be carried to the credit of the sinking fund of the debt; 29 & 30 V., c. 51, s. 233.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

When part only of a debt has been incurred the by-law may be repealed *pro tanto*.

973. When part only of a sum of money provided by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December, in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in council; 29 & 30 V., c. 51, s. 234.

By-laws not repealed, and appropriations not recoverable till debt paid.

974. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate, or additional rate, or appropriating thereto the surplus income of any work, or of any stock or interest therein or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose, any money in the corporation treasury, which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment; 29 & 30 V., c. 51, s. 235.

WHEN SPECIAL RATE MAY BE REDUCED.

When the rate imposed by by-law may be reduced by law.

975. In case in any particular year, one or more of the following sources of revenue, namely: (1.) The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and (2.) The sum on hand from previous years; and (3.) Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and (4.) Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year, to a sum not less than the difference between such last mentioned surplus, and the

annual sum which the original by-law named and required to be raised as a special rate; 29 & 30 V., c. 51, s. 236.

976. But the by-law shall not be valid unless it recites:— Recitals requisite in such by-law.

(1.) The amount of the special rate imposed by the original 5 by-law;

(2.) The balance of such rate for the particular year or on hand from former years;

(3.) The surplus income of the work, share or interest therein received for such year; and

10 (4.) The amount derived for such year from any temporary investment of the sinking fund—

Nor unless the by-law names the reduced amount in the dollar, to be levied under the original by-law—Nor unless the by-law be afterwards approved by the Lieutenant-Governor in 15 council; 29 & 30 V., c. 51, s. 237. Reduced rate to be named; to be approved of by the Governor.

ANTICIPATORY APPROPRIATIONS.

977. In case any council desires to make an anticipatory appropriation for the next ensuing year, in lieu of the special rate for such year, in respect to any debt, the council may do so, by by-law, in the manner and subject to the provisions and 20 restrictions following; 29 & 30 V., c. 51, s. 238. Anticipatory appropriations may be made.

(1.) The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid; What funds may be so appropriated.

(a.) Of any money at the credit of the special rate account 25 of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made:

(b.) And of any money raised for the purpose aforesaid, by additional rate or otherwise:

(c.) And of any money derived from any temporary investment of the sinking fund; 30

(d.) And of any surplus money derived from any corporation work or any share or interest therein;

(e.) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated; 29 & 30 V., c. 51, s. 238, sub-s. 1. 35

(2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year; 29 & 30 40 V., c. 51, s. 238, sub-s. 2. The sources to be distinguished.

(3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account 45 When sufficient the yearly

ate may be
uspended for
the future
year.

count, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied; 29 & 30 V., c. 51, s. 238, sub-s. 3.

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978. The by-law shall not be valid unless it recites :

By-law must
recite original
debt.

(1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created; 29 & 30 V., c. 56, s. 239, sub-s. 1.

Amount paid.

(2.) The amount, if any, already paid of the debt; 29 & 30 V., c. 51, s. 239, sub-s. 2.

The amount of
sinking fund
yearly.

(3.) The annual amount of the sinking fund appropriation required in respect of such debt; 29 & 30 V., c. 51, s. 239, sub-s. 3.

The amount in
hand.

(4.) The total amount then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury, from the amount temporarily invested; 29 & 30 V., c. 51, s. 239, sub-s. 4.

The amount
required for
next year's in-
terest;

(5.) The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation; 29 & 30 V., c. 51, s. 239, sub-s. 5.

20

And that it is
reserved.

(6.) That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it,) and that the council has carried to the credit of the sinking fund account, a sum sufficient to meet the sinking fund appropriation (naming the amount of it), for such year; 29 & 30 V., c. 51, s. 239, sub-s. 6.

By-law to be
approved by
Governor.

(7.) No such by-law shall be valid unless approved by the Lieutenant-Governor in council; 29 & 30 V., c. 51, s. 239, sub-s. 7.

REPORT OF DEBTS TO BE MADE YEARLY.

Every council
to make a
yearly report
of the state of
the debts to
the Governor,
etc.

979. Every council shall, on or before the thirty-first day 30 of January, in each year, transmit to the Lieutenant-Governor, through the Secretary and Registrar of the Province, on account of the several debts of the corporation, as they stood on the thirty-first of December preceding, specifying in regard to every debt of which a balance remained due at that day; 29 & 30 V., c. 51, s. 241.

What such re-
port must
show.

(1.) The original amount of the debt;

(2.) The date when it was contracted;

(3.) The days fixed for its payment;

(4.) The interest to be paid therefor;

(5.) The rate provided for the redemption of the debt and interest;

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(6.) The proceeds of such rate for the year ending on such thirty-first day of December;

(7.) The portion (if any) redeemed of the debt during such year ;

(8.) The amount of interest (if any) unpaid on such last mentioned day ; and

5 (9.) The balance still due of the principal of the debt.

980. The form of the account may from time to time be Governor may prescribed by the Lieutenant-Governor in council. 29 & 30 V., of account. c. 51, s. 242.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

981. In case one-third of the members of any council peti- When a com-
10 tion for a commission to issue under the great seal, to inquire mission of en-
into the financial affairs of the corporation and things connected quiry may is-
therewith, and if sufficient cause be shewn, the Lieutenant- sue.
Governor in council may issue a commission accordingly, and
the commissioner or the commissioners, or such one or more of
15 them as the commission empowers to act, shall have the same
power to summon witnesses, enforce their attendance, and com-
pel them to produce documents and to give evidence, as any
court has in civil cases. 29 & 30 V., c. 51, s. 243.

982. The expenses to be allowed for executing the commis- Expenses of
20 sion shall be determined and certified by the Secretary and Re- such commis-
gistrar of the province, or his deputy, and shall become thence- sion provided
forth a debt due to the commissioner or commissioners by the for.
corporation, and shall be payable within three months after
demand thereof made by the commissioner, or by any one of
25 the commissioners, at the office of the treasurer of the corpora-
tion. 29 & 30 V., c. 51, s. 244.

BY-LAWS.

POWER TO PASS BY-LAWS.

983. The council may pass by-laws. 29 & 30 V., c. 51, s. 246. Council may
make by-laws.

OBTAINING PROPERTY.

(1.) For obtaining such real and personal property as may be For obtaining
required for the use of the corporation, and for erecting, im- property, real
30 proving and maintaining a hall, and any other houses and build- and personal,
ings required by and being upon the land of the corporation, etc.
and for disposing of such property when no longer required ;
29 & 30 V., c. 51, s. 246, sub-sec. 1.

APPOINTING CERTAIN OFFICERS

<p>(2.) For appointing such, —</p> <p>35 Pound-keepers, Fence-viewers. Overseers of Highways,</p>	<p>Read Surveyors, Road Commissioners, Valuators ;</p>	<p>To appoint officers</p>
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And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers ; but

nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendent or overseer, in the same manner as councillors are paid; and all payments before the fourth day of March, in the year one thousand eight hundred and sixty-eight, made by any municipality to any commissioner, superintendent or overseer, acting as such, are hereby declared to be legal, but this section shall not in any way affect any judgment theretofore obtained, or any suit or proceeding theretofore commenced; 29 & 30 V., c. 51, s. 246, sub-s. 2; 31 V., c. 30, s. 25. 5 10

To fix fees and securities. (3.) For regulating the remuneration, fees, charges, and duties of such officers, and the securities to be given for the performance of such duties; 29 & 30 V., c. 51, s. 246, sub-s. 3. 15

AIDING AGRICULTURAL AND OTHER SOCIETIES.

For aiding agricultural societies. (4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the Municipality; 29 & 30 V., c. 51, s. 246, sub-s. 4. 20

CENSUS.

Local census. (5.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality; 29 & 30 V., c. 51, s. 246, sub-s. 5. 25

FINES AND PENALTIES.

Fines and penalties for neglect of duties. (6.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,—

(a.) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof; and 30

Breach of by-laws. (b.) For breach of any of the by-laws of the corporation; 29 & 30 V., c. 51, s. 246, sub-s. 6. 35

Levying penalties by distress. (7.) For collecting such penalties by distress and sale of the goods and chattels of the offender; 29 & 30 V., c. 51, s. 246, sub-s. 7.

Imprisonment when allowed, and time of. (8.) For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house or in the common gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied; provided that for the suppression of houses of ill-fame the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid; 29 & 30 V., c. 51, s. 245, sub-s. 8. 40 45

BILLIARD TABLES.

- (9.) For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard-table, or who keep or have a billiard table in a house or place of public entertainment or resort, whether such billiard-table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force; 29 & 30 V., c. 51, s. 264, sub-s. 1.

Licensing and regulating billiard tables.

VICTUALLING HOUSE, ETC.

- (10.) For limiting the number of and regulating victualling houses, ordinaries, houses where fruit, oysters, clams or victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public; 29 & 30 V., c. 51, s. 264, sub-s. 2.
- (11.) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding twenty dollars; 29 & 30 V., c. 51, s. 264, sub-s. 3.

Victualling houses, number and regulation of.

License and fee for same.

PUBLIC HEALTH.

984. The members of every council shall be health officers within their respective municipalities, under the Consolidated Statutes of Upper Canada, respecting the public health, and under any Act passed after this Act takes effect, or after the passing of the Act passed in the session, held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, for the like purpose; but any council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best; 29 & 30 V., c. 51, s. 248.

Members of Council to be health officers.

LAND MARKS AND BOUNDARIES.

985. In case the council adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range, or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada, respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey, shall accordingly plant stone or other durable monuments, at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein, (as the case may be), and the limits of each lot so ascertained and marked, shall be the true limits thereof, and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 29 & 30 V., c. 51, s. 268.

Placing land marks and monuments to mark boundaries.

POWER TO PASS BY-LAWS.

Council may pass by-laws. **986.** The council may also pass by-laws ; 29 & 30 V., c. 51, s. 269.

PROVISIONS FOR ESTABLISHING BOUNDARIES.

Ascertaining boundaries of municipality and preservation of durable monuments. (1.) For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done ; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same ; 29 & 30 V., c. 51, s. 269, sub-s. 1. 5

SCHOOLS.

Acquiring land for schools, etc. (2.) For obtaining such real property as may be required for the erection of common school houses thereon and for other common school purposes, and for the disposal thereof when no longer required ; and for providing for the establishment and support of common schools according to law ; 29 & 30 V., c. 51, s. 269, sub-s. 2. 15

CEMETERIES.

For establishing cemeteries. (3.) For accepting or purchasing land for public cemeteries, as well within as without the municipality, and for laying out, improving and managing the same ; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose ; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be part of the municipality to which it formerly belonged ; and such by-law shall not be repealed ; 29 & 30 V., c. 51, s. 269, sub-s. 3. 20

For selling portions thereof on limited terms. (4.) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held ; 29 & 30 V., c. 51, s. 269, sub-s. 4. 30

CRUELTY TO ANIMALS.

Preventing cruelty to animals. (5.) For preventing cruelty to animals ; and for preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any statute in that behalf ; 29 & 30 V., c. 51, s. 269, sub-s. 5.

DOGS.

Tax on dogs. (6.) For imposing a tax on the owners, possessors or harbourers of dogs ; 29 & 30 V., c. 51, s. 269, sub-s. 6. 35

Killing dogs. (7.) For killing dogs running at large contrary to the by-laws ; 29 & 30 V., c. 51, s. 269, sub-s. 7.

FENCES.

Height and kind of fences. (8.) For settling the height and description of lawful fences ; 29 & 30 V., c. 51, s. 269, sub-s. 8.

DIVISION FENCES.

- (9.) For regulating the height, extent and description of law-
ful division fences; and for determining how the cost thereof
shall be apportioned; and for directing that any amount so
apportioned shall be recovered in the same manner as penalties
not otherwise provided for may be recovered under this Act;
but until such by-laws be made, the Act respecting line fences
and water-courses, shall continue applicable to the municipality;
29 & 30 V., c. 51, s. 269, sub-s. 9.

Division of
fences.

WEEDS.

- (10.) For preventing the growth of weeds detrimental to
good husbandry; 29 & 30 V., c. 51, s. 269, sub-s. 10.

Destruction of
weeds.

EXHIBITIONS, SHOWS, &c.

- (11.) For preventing or regulating and licensing exhibitions
of wax work, menageries, circus-riding and other such like
shows usually exhibited by showmen, and for requiring the
payment of license fees for authorizing the same, not exceeding
one hundred dollars for every such license, and for imposing
fines upon persons infringing such by-laws, and for levying the
same by distress and sale of the goods and chattels of such
showman or belonging to or used in such exhibitions whether
owned by such showman or not, or for the imprisonment of
such offenders for any term not exceeding one month; Provided
always, that it shall not be lawful for the council to grant
licenses or license certificates to persons having exhibitions of
any work or circus, riding, or other shows of a like character,
or places of gambling, or to those engaged in traffic in fruits,
goods, wares or merchandize of whatever description, for gain,
on the days of the exhibition of the Agricultural Association of
Upper Canada, or of any county, electoral division, or town-
ship agricultural society, either on the grounds of such society,
or within the distance of three hundred yards from such
grounds; 29 & 30 V., c. 51, s. 269, sub-s. 11.

Licensing pub-
lic shows.Fines for in-
fraction.

Proviso.

Licenses not to
be granted for
certain times
and places.

GRAVES.

- (12.) For preventing the violation of cemeteries, graves,
tombs, tombstones or vaults where the dead are interred; 29 &
30 V., c. 51, s. 269, sub-s. 12.

Protecting
graves.

INJURIES TO PUBLIC AND PRIVATE PROPERTY AND NOTICES.

- (13.) For preventing the injuring or destroying of trees plan-
ted or preserved for shade or ornament; 29 & 30 V., c. 51, s.
269, sub-s. 13.

Ornamental
trees.

- (14.) For preventing the pulling down or defacing of sign-
boards, and of printed or written notices; 29 & 30 V., c. 51, s.
269, sub-s. 14.

Signs.

- (15.) For preventing persons from throwing dirt, filth, car-
cases of animals or rubbish on any street, road, lane or high-
way; 31 V., c. 30, s. 36.

Obstructing
highways with
dirt.

GAS AND WATER.

Authorizing
laying down
gas and water
pipes. (16.) For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit; 29 & 30 V., c. 51, s. 269, sub-s. 15.

STOCK IN.

Taking stock
in gas and wa-
ter companies. (17.) For acquiring stock in, or lending money to, any such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; Provided the by-law is consented to by the electors, as hereinbefore provided; 29 & 30 V., c. 51, s. 269, sub-a. 16. 5 10

Head of cor-
poration to be
director. 987. The head of any corporation under this Act holding stock in any such company, to the amount of ten thousand dollars, shall be *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors; 29 & 30 V., c. 51, s. 270. 15

INVESTMENT OF MONEYS.

Appropriation
of certain
moneys for
education. 988. From and after the passing of this Act, any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source shall have power, by by-law, to set such surplus apart for edu- 20
Investment. cational purposes, and to invest the same, as well as any other money held by such municipal corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Government of the Dominion of Canada, or in first mortgages secured on real estate, held and used for farming purposes, and 25
Proviso—as to
investment. to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities, or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; Provided always, that no municipal corporation shall 30
invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested; 29 & 30 V., c. 51, s. 272; 31 V., c. 30, s. 27 & 32 35
V., c. 43, s. 21.

Investments
already made
legalized. 989. And whereas several municipalities have, prior to the first day of January, in the year one thousand eight hundred and sixty-seven, invested moneys derived from the said fund, and set apart for special purposes, in real estate security, be it 40
enacted that such investments shall be legal and valid; 29 & 30 V., c. 51, s. 273.

Investment of
moneys by
school trus-
tees. 990. The board of school trustees of any town, having surplus moneys for educational purposes, may invest the same in the purchase of Provincial Consolidated Loan Fund, or Muni- 45
cipal Debentures, or in such securities as are described in the next preceding section, subject to the provisions, conditions, limitations and restrictions therein contained; and any by-law or resolution of any such corporation made prior to the first day of January, one thousand eight hundred and sixty-seven, 45

for authorizing any such investment, under which any such money has been so invested, shall be held to be a good and valid by-law or resolution; 29 & 30 V., c. 51, s. 274.

5 **991.** Any corporation under this Act, having surplus mon- Loans to board
eys derived from the Upper Canada Municipalities' Fund, shall of school trustees by municip-
have power by by-law to set such surplus apart for educational alities.
purposes, and to invest the same in a loan or loans to any board
or boards of school trustees within the limits of the municipal-
ity, for such term or terms, and at such rate or rates of interest
10 as may be agreed upon by and between the parties to such loan
or loans respectively, and set forth in such by-law; 29 & 30
V., c. 51, s. 275.

15 **992.** Any board of school trustees may, with the consent of Board of
the freeholders and householders of their school section, first school trustees may borrow
had and obtained at a special meeting, duly called for that pur- moneys.
pose, by by-law authorize the borrowing from any such corpora-
tion, of any such surplus moneys as aforesaid, for such term
and at such rate of interest as may be set forth in such by-law,
for the purpose of purchasing a school site, or school sites, or
20 erecting a school house or school houses; and any sum or sums
so borrowed, shall be applied to that purpose, and to that only;
29 & 30 V., c. 51, s. 276.

25 **993.** Any member of any such municipal corporation or board Liability of
of school trustees, who shall take part in or in any way be a party members of
to the investment of any such moneys as are mentioned in this corporation or
Act, by or on behalf of the corporation of which he is a member, school trustees
otherwise than as is authorized by this Act, or by the eleventh investing
section of the Act respecting clergy reserves, or by any other money other-
law in that behalf made and provided, shall be held personally wise than as
30 liable for any loss sustained by such corporation; and he is authorized by
hereby forbidden under penalty of being deemed guilty of a mis- this Act.
demeanor from taking any such part or being any such party
as aforesaid. 29 & 30 V., c. 51, s. 277.

30 **994.** The council may from time to time pass by-laws for Dividing
dividing the wards of the town into two or more convenient towns into
electoral divisions, for establishing polling places therein, and wards.
for appointing returning officers therefor, and may from time
to time repeal or vary the same. 29 & 30 V., c. 51, s. 278:

WEIGHTS AND MEASURES.

POWER TO PASS BY-LAWS—ELECTORAL DIVISIONS.

35 **995.** The council may pass by-laws; 29 & 30 V., c. 51, s. Council may
283. pass by-laws.

(1) For appointing inspectors to regulate weights and mea- Inspectors
sures, according to the lawful standard; 29 & 30 V., c. 51, s. weights and
283, sub-a. 1. measures.

40 (2) For visiting all places wherein weights and measures, His duties.
steel-yards or weighing machines of any description are used;
29 & 30 V., c. 51, s. 283, sub-a. 2.

(3) For seizing and destroying such as are not according to Seizing and
the standard; 29 & 30 V., c. 51, s. 283, sub-a. 3. destroying
false weights.

Penalties.

(4.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines. 29 & 30 V., c. 51, s. 283, sub-s. 4.

PUBLIC MORALS.**Intoxicating drinks to children.**

(5.) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master, or legal protector; 29 & 30 V., c. 21, s. 284, sub-s. 1.

Indecent placards, etc.

(6.) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or 10 public places; 29 & 30 V., c. 51, s. 284, sub-s. 2.

Drunkenness, etc.

(7.) For preventing vice, drunkenness, profane swearing obscene, blasphemous or grossly insulting language, and other immorality and indecency; 33 V., c. 26, s. 4.

Lewdness.

(8.) For suppressing disorderly houses, and houses of ill-fame; 15 29 & 30 V., c. 51, s. 284, sub-s. 4.

Racing.

(9.) For preventing horse racing; 29 & 30 V., c. 51, s. 284, sub-s. 5.

Exhibitions, etc.

(10.) For preventing, or regulating and licensing, exhibitions held or kept for hire or profit, bowling alleys, and other places 20 of amusement; 29 & 30 V., c. 51, s. 284, sub-s. 6.

Gaming.

(11.) For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein; 29 & 30 V., c. 51, s. 284, sub-s. 7.

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Vagrants.

(12.) For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; 29 & 30 V., c. 51, s. 284, sub-s. 8.

Indecent exposure.

(13.) For preventing indecent public exposure of the person and other indecent exhibitions; 29 & 30 V., c. 51; s. 284, sub- 30 sec. 9.

Bathing.

(14.) For preventing or regulating the bathing or washing the person in any public water, near a public highway; 29 & 30 V., c. 51, s. 284, sub-s. 10.

ENGINEERS—INSPECTORS.**Appointing engineers, inspectors and surgeons.**

(15.) For appointing, in addition to other officers, one or 35 more engineers, and also one or more inspectors of the House of Industry, also one or more surgeons of the Gaol and other Institutions under the charge of the municipality, and for the removal of such officers; 29 & 30 V., c. 51, s. 286, sub-s. 1.

AUCTIONEERS.**Auctioneers.**

(16.) For licensing, regulating and governing auctioneers and 40 other persons selling or putting up for sale, goods, wares, merchandise, or effects, by public auction; and for fixing the sum

to be paid for every such license, and the time it shall be in force; 29 & 30 V., c. 51, s. 286, sub-s. 2.

HAWKERS AND PEDLERS.

- (17.) For licensing, regulating and governing hawkers, or petty chapmen; and other persons carrying on petty trades, who have not become permanent residents in the county, or who go from place to place, or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise, carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, and the time the license shall be in force; but no duty shall be imposed for hawking or peddling any goods, wares, or merchandise, the growth, produce or manufacture of this Province, not being liquors, within the meaning of the law relating to taverns, or tavern licenses; 32 V., c. 43, s. 19.

Hawkers and pedlars.

Licenses.

FERRIES.

- (18.) For regulating ferries between any two places in the municipality, and establishing the rates of ferriage to be taken thereon; but no such by-law as to ferries, shall have effect until assented to by the Lieutenant-Governor in Council; but until the council pass a by-law regulating such ferries, and in the cases of ferries not between two places in the same municipality, but being between places within the Province of Ontario, the Lieutenant-Governor by order in council, may from time to time, regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the Statutes in force relating to ferries; 29 & 30 V., c. 51, ss. 286 & 287, and B. N. A. Act, s. 91, sub-s. 13.

Ferries with assent of Governor when no by-law.

- 996.** The council of every town separated from the county for municipal purposes, may pass by-laws for the following purposes; 29 & 30 V., c. 51, s. 288.

Certain councils may pass by-laws.

LANDS FOR GRAMMAR SCHOOLS.

- (1.) For obtaining in such part of the town, as the wants of the people may most require, the real property requisite for erecting county grammar school houses thereon, and for other grammar school purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required; 29 & 30 V., c. 51, s. 288, sub-s. 1.

Purchase of lands for Grammar schools.

AIDING GRAMMAR SCHOOLS.

- (2.) For making provisions in aid of such grammar schools as may be deemed expedient; 29 & 30 V., c. 51, s. 288, sub-s. 2.

Aiding such schools.

PUPILS COMPETING FOR UNIVERSITY PRIZES.

- (3.) For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the Public Grammar Schools of the county, as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such Grammar

Grammar school pupils competing for University prizes.

Schools, possess competent attainments for competing for any scholarship, exhibition, or other similar prize, offered by such university or college; 29 & 30 V., c. 51, s. 288, sub-s. 3.

Attendance at Grammar schools. (4.) For making similar provision for the attendance at any county Grammar School, for like purposes of pupils of Common Schools of the county; 29 & 30 V., c. 51, s. 288, sub-s. 4. 5

ENDOWING FELLOWSHIPS.

Endowing fellowships. (5.) For endowing such fellowships, scholarships, or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the Public Grammar Schools of the county, as the council deem expedient for the encouragement of learning amongst the youth thereof. 29 & 30 V., c. 51, s. 288, sub-s. 5. 10

Councils may pass by-laws. **997.** The council of every town may pass by-laws:—

HARBOURS, DOCKS, ETC.

Cleanliness of wharves, docks, etc. (2.) For regulating or preventing the encumbering, injuring, or fouling by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; 29 & 30 V., c. 51, s. 296, sub-s. 1. 15

Removal of door steps, etc. (3.) For directing the removal of door steps, porches, railings, or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property, connected with which such projections are found; 29 & 30 V., c. 51, s. 296, sub-s. 2. 20

Wharves, docks, etc. (4.) For making, opening, preserving, altering, improving and maintaining, public wharves, docks, slips, shores, bays, harbours, rivers or waters, and the banks thereof; 29 & 30 V., c. 51, s. 296, sub-s. 3. 25

Regulating harbours, etc. (5.) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers, and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon, as may serve to keep the harbour in good order, and to pay a harbour master; 29 & 30 V., c. 51, s. 296, sub-s. 4. 35

WATER.

Supplying water. (6.) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water; 29 & 30 V., c. 51, s. 296, sub-s. 5. 40

MARKETS.

Markets. (7.) For establishing markets; 29 & 30 V., c. 51, s. 296, sub-s. 6.

- (8.) For regulating all markets established, and to be established; the places however already established as markets in such municipality, shall continue to be markets, and shall retain all the privileges thereof, until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality, shall continue to be vested in the corporation thereof; 29 & 30 V., c. 51, s. 296, sub-s. 7. Regulating markets.
Old markets continued.
- (9.) For preventing or regulating the sale by retail in the public streets or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruits, beverages, small ware, and all other articles offered for sale; 33 V., c. 26, s. 5. Regulating vending in the street.
- (10.) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed; 29 & 30 V., c. 51, s. 296, sub-s. 9. Vending in open air.
- (11.) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware and all other articles exposed for sale; and the fees to be paid therefor; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets, and vacant lots adjacent thereto; 33 V., c. 26, s. 6. Vending grain, etc.
Fees.
Criers and vendors of small ware.
- (12.) For preventing the forestalling, regrating or monopoly of market grains, meat, fish, fruits, roots, vegetables, poultry, and dairy products, eggs and all articles required for family use and such as are usually sold in the market; 29 & 30 V., c. 51, s. 296, sub-s. 11 & 31 V., c. 30, s. 32. Preventing forestalling.
- (13.) For preventing and regulating the purchase of such things by hucksters, butchers or runners living within the municipality, or within one mile from the outer limits thereof; 29 & 30 V., c. 51, s. 296, sub-s. 12 & 31 V., c. 30, s. 32. Regulating hucksters.
- (14.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; 29 & 30 V., c. 51, s. 296, sub-s. 13. Measuring and weighing.
- (15.) For imposing penalties for light weight or short count, or short measurement in anything marketed; 29 & 30 V., c. 51, s. 296, sub-s. 14. Penalties for light weight.
- (16.) For regulating all vehicles, vessels and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon and establishing the mode in which it shall be paid; 29 & 30 V., c. 51, s. 296, sub-s. 15. Regulating vehicles used in market vending.
- (17.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; 29 & 30 V., c. 51, s. 296, sub-s. 16. Assize of bread.
- (18.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; 29 & 30 V., c. 51, s. 296, sub-s. 17. Tainted provisions.
- (19.) For selling after six hours' notice, butcher's meat dis-

trained for rent of market-stalls; 29 & 30 V., c. 51, s. 296, sub-s. 18.

NUISANCES.

- Bathing.** (20.) For preventing or regulating the bathing or washing the person in any public water in or near the municipality; 29 & 30 V., c. 51, s. 296, sub-s. 19. 5
- Abatement of nuisances.** (21.) For preventing and abating public nuisances; 29 & 30 V., c. 51, s. 296, sub-s. 20.
- Privy vaults.** (22.) For preventing or regulating the construction of privy vaults; 29 & 30 V., c. 51, s. 296, sub-s. 21.
- Vacant lots.** (23.) For causing vacant lots to be properly enclosed; 29 & 30 V., c. 51, s. 296, sub-s. 22. 10
- Slaughter houses.** (24.) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; 29 & 30 V., c. 51, s. 296, sub-s. 23. 15
- Tumultuous noises.** (25.) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; 29 & 30 V., c. 51, s. 296, sub-s. 24. -
- Firing guns.** (26.) For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, 20 crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; 29 & 30 V., c. 51, s. 296, sub-s. 25.
- Furious driving.** (27.) For preventing immoderate riding or driving in high-ways or streets; for preventing the leading, riding or driving 25 of horses or cattle upon side walks or other places not proper therefor; 29 & 30 V., c. 51, s. 296, sub-s. 26.
- Importuning travellers.** (28.) For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons 30 so employed; 29 & 30 V., c. 51, s. 296, sub-s. 27.

PUBLIC HEALTH.

- Public health.** (29.) For providing for the health of the municipality, and against the spreading of contagious or infectious diseases; 29 & 30 V., c. 51, s. 296, sub-s. 28.

INTERMENTS.

- Interments.** (30.) For regulating the interment of the dead, and for preventing the same taking place within the municipality; 29 & 30 V., c. 51, s. 296, sub-s. 29. 35
- Bills of mortality.** (31.) For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; 29 & 30 V., c. 51, s. 296, sub-s. 30. 40

LICENSES.

- Licenses to** (32.) For regulating and licensing the owners of livery sta-

bles and of horses, cabs, carriages, omnibuses, and other vehicles used for hire; for establishing the rates of fare to be taken by the owners or drivers, and for enforcing payment thereof; 29 & 30 V., c. 51, s. 296, sub-s. 31.

GUNPOWDER.

5 (33.) For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating, and providing for the support by fees, of magazines for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well 10 within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor; 29 & 30 V., c. 51, s. 296, sub-s. 32.

FIRES.

15 (34.) For appointing fire wardens, fire engineers, and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property-saving companies; 29 & 30 V., c. 51, s. 296, sub-s. 33.

(35.) For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires; 29 & 30 V., c. 51, s. 296, sub-s. 34.

(36.) For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible 25 places; 29 & 30 V., c. 51, s. 296, sub-s. 35.

(37.) For preventing or regulating the carrying on of manufacturing or trades dangerous in causing or promoting fire; 29 & 30 V., c. 51, s. 296, sub-s. 36.

30 (38.) For preventing, and for removing, or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire; 29 & 30 V., c. 51, s. 296, sub-s. 37.

(39.) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same; 29 & 30 V., c. 51, s. 296, sub-s. 38.

(40.) For regulating the mode of removal and safe keeping of ashes; 29 & 30 V., c. 51, s. 296, sub-s. 39.

(41.) For regulating and enforcing the erection of party walls; 29 & 30 V., c. 51, s. 296, sub-s. 40.

40 (42.) For compelling the owners and occupants of houses to have scuttles in the roofs thereof and stairs or ladders leading to the same; 29 & 30 V., c. 51, s. 296, sub-s. 41.

45 (43.) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; 29 & 30 V., c. 51, s. 296, sub-s. 42.

- Fire buckets.** (44.) For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; 29 & 30 V., c. 51, s. 296, sub-s. 43.
- Inspection of premises.** (45.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; 29 & 30 V., c. 51, s. 296, sub-s. 44.
- Suppression of fires.** (46.) For making regulations for suppressing fires, and for 10 pulling down or demolishing adjacent houses or other erections when necessary to prevent the spreading of fire; 29 & 30 V., c. 51, s. 296, sub-s. 45.
- Enforcing assistance of.** (47.) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of 15 property at fires; 29 & 30 V., c. 51, s. 296, sub-s. 46.

SNOW, ICE, AND DIRT.

- Removal of snow, ice, etc.** (48.) For compelling persons to remove the snow, ice, and dirt from the roofs of the premises owned or occupied by them, and from the sidewalks, street or alley, in front of such premises, and for removing the same at the expense of the owner or 20 occupant in case of his default; 29 & 30 V., c. 51, s. 296, sub-s. 47, and 31 V., c. 30, s. 34.

NUMBERING HOUSES AND LOTS.

- Numbering houses and lots, etc.** (49.) For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging 25 the owner or occupant of each house or lot with the expense incident to the numbering of the same; 29 & 30 V., c. 51, s. 296, sub-s. 48.
- Record of streets, numbers, boundaries, etc.** (50.) For keeping (and every council is hereby required to make and keep) a record of the streets and numbers of the 30 houses and lots numbered thereon respectively, and entering thereon, and every council is hereby requested to enter thereon, a division of the streets with boundaries and distances for public inspection; 29 & 30 V. c. 51, s. 296, sub-s. 49.

DRAINAGE.

- Ascertaining levels.** (51.) For ascertaining and compelling owners, tenants and 35 occupants to furnish the council with the levels of the cellars heretofore dug or constructed or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws; 29 & 30, V., c. 51, s. 296, sub-s. 50. 40
- Block plans of buildings.** (52.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building with the levels of the cellars and basements thereof with reference to a 45 line fixed by the by-law; 29 & 30, V., c. 51, s. 296, sub-s. 51.

(53.) For regulating the construction of cellars, sinks, water-closets, privies and privy-vaults, and the manner of draining the same; 29 & 30, V., c. 51, s. 296, sub-s. 52. Cellars, sinks, etc.

(54.) For compelling and regulating the filling-up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds, or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the council on their default; 29 & 30, V., c. 51, s. 296, sub-s. 53. Filling in hollow places, drains, etc.

(55.) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes; 29 & 30, V., c. 51, s. 296, sub-s. 54. Sewerage or drainage.

15 (56.) For charging all persons who own or occupy property which is drained into a common sewer or which by any by-law of the council is required to be drained into such sewer with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid; 29 & 30, V., c. 51, s. 296, sub-s. 55. Charging rent for sewers.

(57.) For licensing, regulating and governing transient traders, and other persons who occupy places of business in the village for periods less than one year, and whose names have not been duly entered in the assessment roll for the then current 25 year; 33 V., c. 26, s. 7. Regulating transient traders.

INTELLIGENCE OFFICES.

(80.) For licensing suitable persons to keep Intelligence Offices for registering the names and residences of and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and residences of and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment; and for fixing the fees to be received by the keepers of such offices; 29 & 30, V., c. 51, s. 297, sub-s. 1. Licensing intelligence offices.

(81.) For the regulation of such Intelligence Offices; 29 & 30, V., c. 51, s. 297, sub-s. 2. Regulation of

(82.) For limiting the duration of or revoking any such license; 29 & 30, V., c. 51, s. 299, sub-s. 3. duration of license.

(83.) For prohibiting the opening or keeping any such Intelligence Office within the municipality without license; 29 & 30, V., c. 51, s. 299, sub-s. 4. Prohibition of without license.

(84.) For fixing the fee to be paid for such license, not exceeding one dollar for one year; 29 & 30, V., c. 51, s. 299, sub-s. 5. Fees for.

WOODEN BUILDINGS.

45 (85.) For regulating the erection of buildings and preventing the erection of wooden buildings and wooden fences in specified parts of the city; 29 & 30 V., c. 51, s. 299, sub-s. 6. Wooden buildings.

POLICE.

- Police. (86.) For establishing, regulating and maintaining a police ; but subject to the other provisions of this Act on that head ; 29 & 30 V., c. 51, s. 299, sub-s. 7.

INDUSTRIAL FARM—EXHIBITION.

- Industrial farm. (87.) For acquiring any estate in landed property within or without the city for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property, within or without the city dedicated for a public park, garden or walk for the use of the inhabitants of the city ; 29 & 30 V., c. 51, s. 299, sub-s. 8. 5
- Buildings thereon. (88.) For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions, as the council deems necessary ; 29 & 30 V., c. 51, s. 299, sub-s. 9. 15
- Managing the same. (89.) For the management of the farm, park, garden, walk or place for exhibition and buildings ; 29 & 30 V., c. 51, s. 299, sub-s. 10.

CHARITY.

- Almshouses; Poorhouses. (90.) For establishing and regulating within the city or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and for granting out of door relief to the resident poor, and also for aiding charitable institutions within the city ; 29 & 30 V., c. 51, s. 299, sub-s. 11. 20
- Appointment of corporation surveyor. (91.) For appointing any person to be the corporation surveyor ; and the Board of Examiners of Provincial Land Surveyors for Ontario shall examine such person, and, if he is found competent, shall grant to him without the usual service, his certificate as a deputy provincial surveyor, and his acts as such shall, in the city, while he holds the office of surveyor thereto, have the same effect as those of any other deputy provincial surveyor ; 29 & 30 V., c. 51, s. 300, sub-s. 1. 25

GAS AND WATER.

- Lighting with gas. (92.) For lighting the municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property ; 29 & 30 V., c. 51, s. 300, sub-s. 2. 35
- Laying down gas and water pipes. (93.) For laying down gas or water pipes in any street and opening streets for the purpose ; and for taking up or repairing such pipes, and for using every power and privilege given to any gas or water company incorporated in the municipality as if the same were specially given by this Act, subject, however, to the provisions herein contained as to the erection of gas or water works and levying rates therefor ; 29 & 30 V., c. 51, s. 300, sub-s. 3. 40
- Gas and water works. (94.) For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expen- 45

diture therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years; 29 & 30 V., c. 51, s. 300, sub-s. 4.

- 5 (a) But no by-law under the last subsection shall be passed.— Estimate to be published and poll to be held on the by-law.
 Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law
 10 at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;
 15 Nor, secondly, until at a poll, held in the same manner and at the same places, and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law.

Proceedings prior to taking public vote.

Poll to be had and majority to be in favour.

- Nor, thirdly, unless the by-law is thereafter passed at the
 20 special meeting mentioned in the published notice; 29 & 30 V., c. 51, s. 300, sub-s. 5.

By-law to be passed only at special meeting, etc.

(b) If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year; 29 & 30 V., c. 51, s. 300, sub-s. 6.

If the by-law is rejected.

- 25 (c) In case there be any gas or water company incorporated for the municipality, the council shall not levy any gas or water rate until such council has by by-law fixed a price to offer for the works or stock of the company; nor until thirty days have elapsed after notice of such price has been communi-
 30 cated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company; 29 & 30
 35 V., c. 51, s. 300, sub-s. 7.

If there is a gas or water company for the municipality.

(88.) For providing for the inspection of gas-meters; 29 & 30 V., c. 51, s. 300, sub-s. 8.

Inspection of gas meters.

- (89.) For providing for the appointment of three commissioners for entering into contracts for the construction of gas and water
 40 works,—for superintending the construction of the same,—for managing the works when completed,—and for providing for the election of the said commissioners by the electors from time to time and at such periods, and for such terms as the council may appoint by the by-law authorizing the election. 29 & 30
 45 V., c. 51, s. 300, sub-s. 9.

Commissioners for erection of gas and water works.

- (90.) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property imme-
 50 diately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefited; subject in every

Ascertaining the property to be benefited by a local improvement.

case to an appeal to the judge of the county court of the county within which the city is situate, in the same manner and on the same terms, as nearly as may be, as an appeal from the court of revision in the case of an ordinary assessment; 29 & 30 V., c. 51, s. 301, sub-s. 1. 5

Assessing such property for such improvement, and in what manner.

(91.) For assessing and levying upon the real property to be immediately benefited by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane, or alley, public way or place, or of any side- 10 walk therein, on the petition of at least two-thirds in number of the owners of such real property, being also owners of one-half in value thereof at least, a special rate sufficient to include a sinking fund, for the repayment of debentures which such councils are hereby authorized to issue in such cases respec- 15 tively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same, by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements; 29 & 30 V., c. 51, s. 301, sub-s. 2. 20

Regulating time of payment, etc.

(92.) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums; 29 & 30 V., c. 51, s. 301, sub-s. 3. 25

If funds furnished by parties.

(93.) For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected; 29 & 30 V., c. 51, s. 301, sub-s. 4.

Under what conditions such improvement may be undertaken.

998. No such local improvement as aforesaid shall be under- 30 taken by the council, except under a by-law passed in pursuance of the last preceding subsection, otherwise than on the petition of at least two-thirds in number of the owners of the real property, to be directly benefited thereby, being also owners of at least one-half in value thereof, such number and value 35 having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf; and if the contemplated improvement be the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by 40 the council, by by-law for borrowing money, which every such council is hereby authorized to pass for such purpose, or otherwise; 29 & 30 V., c. 51, s. 302.

What conditions shall be essential to the validity of the by-laws.

999. It shall not be essential to the validity of any by-law passed in virtue of sub-sections ninety to ninety-three, inclu- 45 sive of section nine hundred and seven of this Act, that it be in accordance with the restrictions and provisions contained in the nine hundred and sixty-sixth section of this Act; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions; 29 50 & 30 V., c. 51, s. 303.

Day for by-law taking effect.

(1.) The by-law shall name a day in the financial year in which the same is passed when it shall take effect; 29 & 30 V., c. 51, s. 303, sub-s. 1.

- (2.) The whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; 29 & 30 V., c. 51, s. 303, sub-s. 2. Period for payment.
- 5 (3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year on the real property described therein, and ratable thereunder for paying the debt and interest; 29 & 30 V., c. 51, s. 303, sub-s. 3. Special rate.
- 10 (4.) Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof; 29 & 30 V., c. 41, s. 303, sub-s. 4. Amount of such rate.
- 15 (5.) The by-law shall recite : What by-law must recite.
- (a.) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; Amount and object.
- 20 (b.) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law; Annual amount.
- (c.) The value of the whole real property ratable under the by-law as ascertained and finally determined as aforesaid; Value of property rated.
- 25 (d.) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to the foregoing provisions of this Act; Special rate.
- (e.) That the debt is created on the security of the special rate settled by the by-law, and on that security only. 29 & 30 V., c. 51, s. 303, sub-s. 6. Security for debt.
- 30 **1000.** Every debenture issued under the sub-sections seventy-four to sub-section seventy-seven of section nine hundred and ninety-seven, and of sections nine hundred and ninety-eight and nine hundred and ninety-nine of this Act, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the by-law under which it is issued, and also a statement of its being issued in virtue of this Act. 29 & 30 V., c. 51, s. 304. Debentures under sec. to be specially distinguished.
- 35 **1001.** The section of this Act shall not apply to any by-law passed in virtue of the four last preceding sections of this Act. 29 & 30 V., c. 51, s. 305. Section not to apply to certain by-laws.
- 1002.** Nothing contained in the sections of this Act, numbered to Certain sections not to apply to certain works.
- 40 shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally. 29 & 30 V., c. 51, s. 306.

CORONERS.

Appointment
of coroners.

1003. One or more coroners shall be appointed for every city 29 & 30 V., c. 51, s. 298.

ROADS, BRIDGES, DRAINS, WATER-COURSES.

WHAT CONSTITUTE HIGHWAYS.

What shall
constitute
highways.

1004. All allowances made for roads by the Crown Surveyors in any town, township or place already laid out, or hereafter laid out, and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, as existing before the Act of Union with Lower Canada, or any roads whereon the public money has been expended for opening the same, or whereon the statute labor hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law 29 & 30 V., c. 51, s. 315,

HIGHWAYS VESTED IN THE CROWN.

Highways,
etc., vested in
the crown.

1005. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in her Majesty, her heirs and successors 29 & 30 V., c. 51, s. 316.

JURISDICTION OF MUNICIPALITIES.

Jurisdiction of
municipal
councils.

1006. Subject to the exceptions and provisions hereinafter contained, every council shall have jurisdiction over the original allowances for roads highways and bridges within the municipality. 29 & 30 V., c. 51, s. 317.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

Roads under
Board of
Works not to
be interfered
with.

1007. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 29 & 30 V., c. 51, s. 318.

ROADS ON ORDNANCE LANDS.

Nor ordnance
roads, etc.

1008. No council shall pass any by-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the principal Secretary of State in whom the Ordnance estate

are vested under the Statute of the late Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordnance and admiralty lands transferred to the Province; or (2) for opening any such communication through land held by the said principal Secretary of State; or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the said Secretary of State; or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without a written consent signed by the principal officer of the War Department, acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such principal officer and to be acting under such authority; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent, authority and certificate. 29 & 30 V., c. 51, s. 319.

without sanction of principal officer in Canada of War Department.

WHAT ROADS NOT TO BE CLOSED.

1009. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter or General Sessions, or any municipal corporation, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same. 29 & 30 V., c. 51, s. 320.

Council not to close road required for individuals for egress, etc.

NOT TO ENCROACH UPON HOUSES, &c.

1010. No council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner. 29 & 30 V., c. 51 s. 321.

Not to encroach upon houses, etc.

WIDTH OF ROADS.

1011. No council shall lay out any road or lane more than ninety or less than thirty feet in width; but any road, when altered, may be of the same width as formerly. 29 & 30 V., c. 51, s. 322.

Width of road.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

1012. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street, or lane: 29 & 30 V., c. 51, s. 323.

By-laws intended to affect public roads.

(1) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street, or other highway, road street or lane; 29 & 30 V., c. 51, s. 323, sub-s. 1.

Publication.

(2) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality; or if there be no such newspaper, then in a newspaper

Publication in newspaper.

published in some neighbouring municipality ; 29 & 30 V., c. 51, s. 323, sub-s. 2.

Parties to be heard.

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ; 29 & 30 V., c. 51, s. 323, sub-s. 3. 5

Clerk to give notice.

(4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices ; 29 & 30 V., c. 51, s. 323, sub-s. 4. 10

IN DISPUTES RESPECTING ROADS —WHO MAY SWEAR WITNESSES, &C.

Power to administer oaths in disputes, respecting boundaries.

1013. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness 15 examined upon the matters in dispute. 29 & 30 V., c. 51, s. 324.

COMPENSATION FOR LANDS TAKEN.

Owners of land taken to be compensated.

1014. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29 & 30 V., c. 51, s. 325. 20 25

TITLES TO LAND OF INFANTS, &C., HOW ACQUIRED.

Title to lands taken.

1015. In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women and others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof : in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29 & 30 V., c. 51, s. 326. 30 35 40 45

If there be no party who can convey.

When a party has a life interest only.

1016. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be

- paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the court of chancery, or other court having equitable jurisdiction in such cases, do in the mean time direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court, 29 & 30 V., c. 51, s. 327.
- 10 **1017.** All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29 & 30 V., c. 51, s. 328.

Sum awarded
how to be ap-
plied.

When paid
into court.

Charges on the
purchase
money.

JOINT JURISDICTION OVER ROADS.

- 1018.** In case a road lies wholly or partly between a county, town, city, township or incorporated village, and an adjoining county, or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8.
- 15 **1019.** No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9.
- 25 **1020.** In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10.

Joint jurisdic-
tion over cer-
tain roads.

Both councils
must concur in
by-laws re-
specting them.

Arbitration if
they do not
agree.

POWERS OF COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.

- 1021.** The council may also pass by-laws:

By-laws.

STATUTE LABOUR.

- (1) For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour. 29 & 30 V., c. 51, s. 332 sub-s. 1.
- (2) For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour. 29 & 30 V., c. 51, s. 332 sub-s. 2.
- 40 (3) For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are assessed, or otherwise respectively liable. 29 & 30 V., c. 51, s. 332 sub-s. 3.
- 45

Compounding
for statute
labour.

Amount to be
paid for com-
mutation
money.

Regulating
number of
days labour

Enforcing performance of. (4.) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law; 29 & 30 V., c. 51, s. 332, sub-s. 4.

Regulating divisions in which work is to be performed. (5.) For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. 29 & 30 V., c. 51, s. 332, sub-s. 5.

GENERAL POWERS AS TO ROADS, &C.

Opening, stopping roads, &c. (6.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained. 29 & 30 V., c. 51, s. 333, sub-s. 1.

TOLLS.

To raise money by toll. (7.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same. 29 & 30 V., c. 51, s. 333, sub-s. 2.

FAST DRIVING ON BRIDGES.

To regulate driving on bridges. (8.) For regulating the driving and riding on public bridges. 29 & 30 V., c. 51, s. 333, sub-s. 3.

PITS AND PRECIPICES.

To make regulations as to pits. (9.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers, 29 & 30 V., c. 51, s. 333, sub-s. 4.

ROAD ALLOWANCES.

For preservation of trees, stone, &c. (10.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road. 29 & 30 V., c. 51, s. 333, sub-s. 5. 25

When the council may stop up or sell a road allowance. (11.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. 29 & 30 V., c. 51, s. 333, sub-s. 6. 35

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &C.

Granting privileges to road or bridge companies. (12.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for

the proper exercise of these powers by the council; 29 & 30 V., c. 51, s. 333, sub-a. 7.

TAKING STOCK IN.

- (13.) For taking stock in, or lending money to, any such incorporated road or bridge company, under and subject to the respective statutes in that behalf; 29 & 30 V., c. 51, s. 333, sub-a. 8.
- Taking stock in or making loans to such companies.

TOLLS ON, MAY BE GRANTED.

- (14.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair. 29 & 30 V., c. 51, s. 333, sub-s. 9.
- Granting right To take tolls when:

TAKING MATERIALS.

- (15.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act. 29 & 30 V., c. 51, s. 333, sub-a. 10.
- Searching for and taking materials for roads.

OLD ROAD ALLOWANCES.

- 1022.** In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes. 29 & 30 V., c. 51, s. 334.
- When a road is substitute for an original allowance.
- Conveying of former road allowance.
- Compensation to party whose land is taken.

POSSESSION OF ROAD ALLOWANCES.

Original allowance for roads when to be deemed legally possessed.

1023. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29 & 30 V., c. 51, s. 335. 5 10

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-laws for opening, etc., roads, etc., to require notice.

1024. But no such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29 & 30 V., c. 51, s. 336. 15

AID IN MAKING ROADS AND BRIDGES.

By-laws.

1025. The council may pass by-laws; 29 & 30 V., c. 51, s. 337.

Aiding counties in making roads and bridges.

(1.) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality; 29 & 30 V., c. 51, s. 337, sub-a. 1. 20

Joint works with other municipalities.

(2.) For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council; 29 & 30 V., c. 51, s. 337, sub-s. 2. 25

Aid to adjoining municipal corporations.

(3.) The council of any municipal corporation may pass by-laws for granting aid to any adjoining municipal corporation in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through any adjoining municipality; 32 V., c. 43, s. 20. 30

Aid to townships and villages to build roads and bridges in the county.

(4.) The council of every county may pass by-laws for granting to any town, township, or incorporated village in the county, aid by loan or otherwise, towards opening or making any new road or bridge in the town, township, or village, in case where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work; 29 & 30 V., c. 51, s. 344, sub-s. 8. 40

HIGHWAYS.

Streets, how far vested in municipal corporations.

1026. Every public road, street, bridge or other highway, in an incorporated village, shall be vested in the municipal corporation thereof subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession, or other road within the village taken and held possession of by an individual in lieu of a 45

street road, or highway, laid out by him without compensation therefor. 29 & 30 V., c. 51, s. 338.

1027. Every such road, street, bridge and highway shall be kept in repair by the corporation, and the corporation shall be civilly responsible for all damages sustained by any person by reason of default to keep in repair, but the action must be brought within three months after the damages have been sustained; and this section shall not apply to any road, street, bridge or highway laid out without the consent of the corporation by by-law, until established and assumed by by-law. 29 & 30 V., c. 51, s. 339.

To be kept in repair by the corporation on pain of damages.

LOCAL IMPROVEMENTS OF STREETS.

1028. The council may also pass by-laws for the following purposes:

(1.) For assessing and collecting from the proprietors of real property, immediately benefited by making or repairing any pavement in any public way or place near to such property, such sums as may be necessary for so making or repairing the same. 29 & 30 V., c. 51, s. 340, sub-s. 1.

Raising rate from parties benefited by making pavement.

(2.) For raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one half of the ratable property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the ratable property therein; but the council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid; 29 & 30 V., c. 51, s. 340, sub-s. 2.

Lighting, watering and sweeping streets.

(3.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; 29 & 30 V., c. 51, s. 340, sub-s. 3.

Preventing obstructions in streets.

(4.) For directing the removal of door steps, porches, railings or other erections or obstructions projecting into or over any road or other public communication at the expense of the proprietor or occupant of the property connected with which such projections are found; 29 & 30 V., c. 51, s. 340, sub-s. 4.

Removal of door steps, etc.

(5.) For surveying, settling and marking the boundary lines of all streets, roads and other public communications, and for giving names thereto and affixing such names at the corners thereof on either public or private property. 29 & 30 V., c. 51, s. 340, sub-s. 5.

Marking boundaries and naming streets.

REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

1029. All by-laws passed by any municipal council, subsequent to the first day of January, in the year of our Lord one thousand eight hundred and sixty-seven, under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same become effectual, unless here-

By-laws under which roads are opened on private property to be registered.

Where to be
registered.

tofore registered, pursuant to section three hundred and forty-eight of the Act passed in the session of the parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, be duly registered in the registry office of the county 5 where the land is situate; and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the 10 quarter or general sessions heretofore passed, under the authority of which any street, road or highway is to be or has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the 15 production to the registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such quarter or general sessions, given under the hand and seal of the clerk of the peace (as the case may be). 29 & 30 30 V., c. 51, s. 348, & 31 V., c. 20, s. 63.

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

By-laws for

1030. The council may pass by-laws.

Taking stock
in railways.

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company 25 to which the eighteenth section of the statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the consolidated statute of Canada respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act. 30 29 & 30 V., c. 51, s. 349, sub-s. 1.

Or guarantee-
ing payment
of debentures.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum 35 to discharge the debt or engagement so contracted; 29 & 30 V., c. 51, s. 349, sub-s. 2.

For issuing
debentures.

(3.) For issuing, for the like purpose, debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the council may 40 think meet; 29 & 30 V., c. 51, s. 349, sub-s. 3.

Form of.

(4.) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively: but the 45 corporation shall not subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act: 29 & 30 V., c. 51, s. 349, sub-s. 4.

To be confirm-
ed by public
vote.

Debentures
when valid

1031. Any debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as

directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 29 & 30 V., c. 51, s. 350.

without corporate seal.

- 5 **1032.** In case the council subscribes for and holds stock in such company to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 10 29 & 30 V., c. 51, s. 351.

Head when to be director.

PROCEEDINGS ON ARBITRATION.

- 1033.** In all cases of arbitration directed by this Act, the proceedings shall be as follows : 29 & 30 V., c. 51, s. 353.

Arbitration proceeding of.

- (1.) Each party shall appoint one arbitrator, and give notice thereof in writing to the other party ; and when the other party is a corporation, the notice shall be given to the head of the corporation ; 29 & 30 V., c. 51, s. 353, sub-s. 1.

Mode of appointing arbitrators and conducting arbitrations.

- (2.) The two arbitrators appointed by or for the parties shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an equality of arbitrators, they shall appoint another arbitrator, or in default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13.

Third arbitrator how chosen.

- (3.) In case of an arbitration between a county and town, if for one month after having received such notice, the party notified omits appointing an arbitrator ; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default ; 25 & 30 V., c. 51, s. 353, sub-s. 4.

Provision in case of neglect to appoint.

- (4.) In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the council of such corporation of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of such council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers such council intends to exercise with respect to the property (describing it); 29 & 30 V., c. 51, s. 353, sub-s. 4.

In case of exercise of power as to roads, drains, etc.

- (5.) If within one month after service on the owner or owners of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may

If owner of property fail to name an arbitrator.

name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf; 29 & 30 V., c. 51, s. 353, sub-s. 5.

Time for appointing third arbitrator and for award.

(6.) In either of the cases provided for by the two preceding subsections, the two arbitrators shall within seven days appoint a third arbitrator, and their award shall be made within one month after the appointment; 29 & 30 V., c. 51, s. 353, sub-s. 6. 5

County judge to appoint in certain cases.

(7.) If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the last named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him; 29 & 30 V., c. 51, s. 353, sub-s. 7. 15 20

Appointments how to be made.

(8.) The appointment of all arbitrators shall be in writing under the hands of the appointors or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law; 29 & 30 V., c. 51, s. 353, sub-s. 8.

Head may appoint for a corporation.

(9.) The arbitrators on behalf of a municipal corporation, or provisional corporation, shall be appointed by the council thereof, or by the head thereof if authorized by a by-law of the council; 29 & 30 V., c. 51, s. 353, sub-s. 9. 25

Where many parties are interested in same property.

(10.) In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in the above fourth subsection under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council of such corporation, be disposed of by one award, such persons shall have one month instead of seven days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the county court judge shall have power to name an arbitrator for them; 29 & 30 V., c. 51, s. 353, sub-s. 10. 30 35 40

Arbitrators to be sworn.

(11.) Every arbitrator before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm make and subscribe the following affirmation) before any justice of the peace; 45

Form of.

"I, (A. B.), do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence. "So help me God." Which oath or affirmations shall be filed with the papers of the reference. 29 & 30 V., c. 51, s. 353, sub-s. 11. 50

Award to be

(12.) In case the award relates to property to be entered upon,

taken or used as mentioned in the said fourth subsection, and in case the by-law did not authorise or profess to authorise any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the cost of the arbitration; 29 & 30 V., c. 51, s. 353, sub-s. 12.

binding in certain cases must be adopted by by-law within a certain time.

(13.) In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that the present subsection of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto; 29 & 30 V., c. 51, s. 353, sub-s. 13.

Notice of the evidence adduced to be taken and filed in certain cases.

(14.) Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the superior courts of law or equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court; and in the cases provided for by the last preceding subsection, the court shall consider not only the legality of the award, but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require; 29 & 30 V., c. 51, s. 353, sub-s. 14.

Award to be made by at least two arbitrators and subject to superior courts.

Power of the courts in such matter.

POUNDS AND POUND-KEEPERS.

1034. The council may pass by-laws not inconsistent with the Act of the Dominion of Canada, relating to cruelty to animals passed in the Session held in the thirty-second and thirty-third years of the reign of Her Majesty, chaptered twenty-seven. 29 & 30 V., c. 51, s. 354.

By-laws as to pounds and cruelty to animals.

PROVIDING POUNDS.

Pounds to be provided.

(1.) For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound; 29 & 30 V., c. 51, s. 354, sub-s. 1.

ANIMALS RUNNING AT LARGE.

Animals running at large.

(2.) For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; 29 & 30 V., c. 51, s. 354, sub-s. 2.

Appraising damage done by.

(3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of 10 Ontario or of the municipality; 29 & 30 V., c. 51, s. 354, sub-s. 3.

Compensation for impounding animals.

(4.) For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 29 & 30 V., c. 51, s. 354, sub-s. 4. 15

GENERAL PROVISIONS.

Regulations respecting animals.

1035. Until varied or other provisions are made by by-laws of the municipality, the following regulations shall be in force 29 & 30 V., c. 51, s. 355.

Liability for damages done.

(1.) The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals 20 under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the regulations of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height 25 required by such regulations; 29 & 30 V., c. 51, s. 355, sub-s. 1.

What animals to be impounded.

(2.) If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to 30 him for that purpose by any person resident within his division who has distrained the same; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbours' premises after a notice in writing has been served upon him of their trespass, then the owner of 35 such poultry may be brought before any justice of the peace, and fined such sum as the justice may direct; 29 & 30 c. 51, s. 355, sub-s. 2.

When common pound is not safe.

(3.) When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper 40 may confine the animal in any inclosed place within the limits of the pound-keeper's division within which the distress was made; 29 & 30 V., c. 51, s. 355, sub-s. 3.

Statement of demand to be made to pound

(4.) The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor without 45 payment of any poundage-fees, on giving satisfactory security

to the pound-keeper for all costs, damages and poundage-fees that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage-fees, if such be demanded, and within 5 twenty-four hours thereafter, deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any) not exceeding twenty dollars, done by such animal; exclusive of such poundage-fees, and shall also give his written agreement (with a surety if required by the 10 pound-keeper) in the form following, or in words to the same effect:

"I, (or we, as the case may be), do hereby agree that I (or we) will pay to the owner of the (describing the animal) by me (A.B.) this day impounded, all costs to which the said owner 15 may be put in case the distress by me the said A.B. proves to be illegal, or in case the claim for damages now put in by me the said A.B. fails to be established;" 29 & 30 V., c. 51, s. 355, sub-s. 4.

(5.) In case the animal distrained is a horse, bull, ox, cow, 20 sheep, goat, pig or other cattle, and if the same is distrained by a resident of the township for straying within his premises, such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the 25 notices hereinafter in that case required of him; 29 & 30 V., c. 51, s. 355, sub-s. 5.

(6.) If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal; 29 & 30 V., c. 51, s. 355, sub-s. 6.

30 (7.) If the owner be unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the municipal clerk a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, 35 as near as may be; 29 & 30 V., c. 51, s. 355, sub-s. 7.

(8.) The municipal clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and 40 continue the same so posted for at least one week, unless the animal is sooner claimed by the owner; 29 & 30 V., c. 51, s. 355, sub-s. 8.

(9.) If the animal or any number of animals taken up at the same time, be of the value of ten dollars or more, the dis- 45 trainer shall cause a copy of the notice to be published in a newspaper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks; 29 & 30 V., c. 51, s. 355, sub-s. 9.

50 (10.) In case an animal be impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any

keeper by im-
pounder.

Form of agree-
ment with
pound keeper.

If the animals
be of a certain
kind.

If the owner
be known.

If unknown,
notice to muni-
cipal clerk.

Duty of clerk
thereon.

If animals are
worth \$10 or
over.

Notice of sale.

When sale to
be made.

horse or other cattle till after eight clear days from the time of impounding the same; 29 & 30 V., c. 51, s. 355, sub-s. 10.

If animals are not impounded but retained.

(11.) In case the animal be not impounded but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up; 29 & 30 V., c. 51, s. 355, sub-s. 11.

Notice of sale unless redeemed.

(12.) The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping; 29 & 30 V., c. 51, s. 355, sub-s. 12.

20

Keeper to feed impounded cattle.

(13.) Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined; 29 & 30 V., c. 51, s. 355, sub-s. 13.

May recover value.

(14.) Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises; 29 & 30 V., c. 51, s. 355, sub-s. 14.

In what manner such value may be recovered.

(15.) The value or allowance as aforesaid may be recovered, with costs, by summary proceedings before any justice of the peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single justice of the peace; and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, as far as applicable, to the tariff of pound-keepers' fees and charges that may be or have been established by the by-laws of the municipality; 29 & 30 V., c. 51, s. 355, sub-s. 15.

Other mode of enforcing.

(16.) The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned; 29 & 30 V., c. 51, s. 355, sub-s. 16.

Sale, how effected, etc., and purchase money how applied.

(17.) In case it be by affidavit proved before one of the justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or

redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the township may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the Treasurer of and for the use of the municipality; 29 & 30 V., c. 51, s. 355, sub-s. 17.

(18.) If the owner within forty-eight hours after the delivery of such statements, as provided in the fourth subsection of this section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper; 29 & 30 V., c. 51, s. 355, sub-s. 18.

Dispute regarding such demand how determined.

(19.) Such fence-viewers, or any two of them, shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement, signed by at least two of them of their appraisal, and of their lawful fees and charges; 29 & 30 V., c. 51, s. 355, sub-s. 19.

Fence viewers to view and appraise damages.

(20.) Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the municipality, by summary proceeding before a justice of the peace upon the complaint of the party aggrieved, or the Treasurer of the municipality; 29 & 30 V., c. 51, s. 355, sub-s. 20.

Penalty for neglect of duty by viewers.

(21.) If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges be not paid, the pound-keeper, after due notice as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices; 29 & 30 V., c. 51, s. 355, sub-s. 21.

Proceedings when viewers decide against the legality of a fence.

Liability of
pound keeper
refusing to
feed animals
impounded.

(22.) In case any pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water, and shelter as aforesaid, he shall, for every day during which he refuses or neglects, forfeit a sum not less than one dollar, nor more than four dollars ; 29 & 30 V., c. 51, s. 355, sub-s. 22. 5

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

Recovery and
enforcement of
penalties.

1036. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any justices of the peace for the county, or of the municipality in which the offence was committed ; and, in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the committal, be sooner paid ; 29 & 30 V., c. 51, s. 355, sub-s. 23. 10 15

Who may be
a witness.

1037. Upon the hearing of any information or complaint exhibited or made under this Act, any person (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender ; 29 & 30 V., c. 51, s. 355, sub-s. 24. 20

Application of
penalties.

1038. When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act shall be paid and distributed in the following manner: one moiety to the municipality in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper ; 29 & 30 V., c. 51, s. 355, sub-s. 25. 25 30

Provision
when tree is
blown down
across a line
fence.

1039. If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree ; and on his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act ; provided always, that for the purpose of such removal, the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing ; and all disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be ad- 35 40 45 50

justed by three fence-viewers of the municipality, two of whom shall agree. 29 & 30 V., c. 51, s. 355, sub-s. 28.

TOWNS TO BE COUNTIES.

1040. Every town separated, shall be a county of itself, for municipal purposes; 29 & 30 V., c. 51, s. 356. In what respects towns to be considered counties.

JUSTICES OF THE PEACE.

1041. The head of the council and the police magistrate, and reeve of every town, shall *ex-officio*, be a justice of the peace for the whole county or union of counties, in which the municipality lies: Provided always, that before he shall act in the capacity of a justice of the peace for the county, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace; 29 & 30 V., c. 51, s. 357, and 31 V., c. 30, s. 38. Head of council, etc., to be justices of the peace.

1042. Justices of the peace for any town shall have the same property qualification and take the same oaths as other justices of the peace, but no mayor, police magistrate or reeve after taking the oaths or making the declarations as such, shall be required to have any property qualification or to take any further oath to enable him to act as a justice of the peace. 29 & 30 V., c. 51, s. 358. Qualification and oaths of such persons as justices of the peace. When dispensed with.

1043. When a town has been erected into a city and the council of the city duly organized, every commission of the peace theretofore issued for the town, shall cease; 29 & 30 V., c. 51, s. 359. When towns become cities former commissions to cease.

1044. Nothing herein contained shall limit the power of the Lieutenant-Governor to appoint, under the Great Seal of the Province, any number of justices of the peace for a town, or shall interfere with the jurisdiction of justices of the peace for the county in which a town having no police magistrate is situate, over offences committed in the town. 29 & 30 V., c. 51, s. 361. Power of Governor to appoint not to be limited. Jurisdiction of county justices not interfered with in some cases.

CONVICTIONS UNDER BY-LAWS.

1045. It shall not be necessary in any conviction made under any by-law of any council, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law, under which the conviction is made, but all such convictions may be in the form given in the following schedule: What only necessary in conviction under by-laws.

PROVINCE OF ONTARIO, } BE IT REMEMBERED, Form.
County of , } that on the day of
To wit. , } A. D. at, in the county
of , A. B. is convicted before the undersigned,
one of Her Majesty's justices of the peace in and for the said
county, that the said A. B. (stating the offence, and time and
place, and when and where committed) contrary to a certain
by-law of the municipality of the of , in
the said county of , passed on the day of
A. D. , and intitled: (reciting the title of
the by-law); and I adjudge the said A. B. for his said offence,
to forfeit and pay the sum of , to be paid and applied
according to law, and also to pay to C. D., the complainant,

the sum of _____, for his costs in this behalf. And if the said several sums be not paid forthwith, *or on or before the day of _____ (as the case may be.)* I order that the same be levied by distress and sale of the goods and chattles of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common jail of _____ (or, in the public lock-up at _____), for the space of _____ days, unless the said several sums, and all costs and charges of conveying the said A. B. to such jail (or lock-up), shall be sooner paid. 10

Given under my hand and seal, the day and year first above written, at _____, in the said county.

[L. S.]

J. M., J.P.

29 & 30 V., c. 51, s. 362.

Compelling witnesses to attend.

1046. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before justices of the peace in cases tried summarily under the statutes now in force; 29 & 30 V., c. 51, s. 363. 20

Jurisdiction of justices under by-laws.

1047. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any by-law of any municipality in any such county, where there is no police magistrate. 29 & 30 V., c. 51, s. 364.

Mayors may call out the posse.

Powers of—

1048. The mayor of any town may call out the posse to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 29 & 30 V., c. 51, s. 365.

Head of every council may administer oaths.

1049. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council; 29 & 30 V., c. 51, s. 366.

POLICE OFFICE.

Police officers in cities and towns.

1050. The council shall establish in the town a police office; and the police magistrate, or in his absence, or where there is no police magistrate, the mayor shall attend at such police office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a justice of the peace; but except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by proclamation for a Public Fast or Thanksgiving. 29 & 30 V., c. 51, s. 367. 40

POLICE MAGISTRATES.

Certain towns to have police magistrates.

1051. All towns having more than five thousand inhabitants shall have a police magistrate, and the salaries of such police magistrates shall not be less than on the following scale:— where the population is over five thousand and under six thousand, four hundred dollars per annum; where the population is over six thousand and under eight thousand, six hundred dollars per annum; where the population is over eight thousand, one thousand dollars per annum: Provided always that every

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police magistrate appointed before the passing of the Act of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, in any town with a less population than 5 five thousand shall not be affected by this Act. And such salary shall be paid half-yearly by the town. 29 & 30 V., c. 51, s. 371; c. 52, s. 2; & 31 V., c. 30, s. 39.

1052. Every police magistrate shall hold office during pleasure. 19 & 30 V., c. 51, s. 372. Tenure of office.

10 **1053.** Every police magistrate shall *ex-officio* be a justice of the peace for the town for which he holds office as well as also for the county or union of counties in which such city is situate: and no other justice of the peace shall adjudicate upon, admit to bail, discharge prisoners or otherwise act, except at 15 the courts of general sessions of the peace in any case for any city where there is a police magistrate, except in case of illness or absence, or at the request in writing of the police magistrate. 32 V., c. 6, s. 11, Police Magistrate *ex-officio* justice of the peace.

THE CLERK.

1054. The clerk of the council or such other person as the 20 council may appoint for that purpose, shall be the clerk of the police office of the town, and perform the same duties and receive the same emoluments as clerks of justices of the Peace; and in case the clerk is paid by a fixed salary, the said emoluments shall be paid by him to the municipality, and form part of its 25 funds, and such clerk shall be the officer of and under the police magistrate; 29 & 30, V., c. 51, s. 374. Clerk of police office and his duties.

JURORS AND WITNESSES.

1055. In any prosecution, suit, action or proceeding in any 30 civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, suit, action or proceeding, is a county. 32 V., c. 6, s. 13. Witnesses.

CHIEF CONSTABLE.

1056. Until the organization of a board of police as herein- 35 after mentioned, the council shall appoint one chief constable for the municipality; and one or more constables for each ward, and the persons so appointed shall hold office during the pleasure of the council; 29 & 30 V., c. 51, s. 390. Chief constable.

1057. In case any person complains to a chief of police, or to 40 a constable or bailiff, in a town, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is 45 necessary to prevent his escape or to prevent a renewal of the breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the police magistrate or before the Arrest by constable for alleged breach of peace (not within view) when sanctioned.

mayor or sitting justice, such officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the magistrate, mayor or justice, to be dealt with according to law; 29 & 30 V., c. 51, s. 391.

Until board of police is organized, Mayor, etc., may suspend chief constable, etc.

1058. Until the organization of a board of police, every 5 mayor and police magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the chief constable, or constable of the town, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he 10 shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired. 29 & 30 V., c. 51, s. 392.

Salary to be withheld during suspension.

1059. During the suspension of such officer he shall not be 15 capable of acting in his office except by the written permission of the mayor, or police magistrate, who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. 29 & 30 V., c. 51, s. 393.

COURT HOUSES AND PRISONS.

Gaols and courthouses to be common to counties and cities, etc., not separated.

1060. The gaol, court house and house of correction of the 20 county in which a town, not separated for all purposes from a county, is situate, shall also be the gaol, court house and house of correction of the town; and the sheriff, gaoler and keeper of the gaol and house of correction, shall receive and safely keep until duly discharged, all persons committed thereto by any 25 competent authority of the town; 29 & 30 V., c. 51, s. 402.

Compensation by town how to be regulated and made.

1061. While a town uses the court house, gaol or house of correction of the county, the town shall pay the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or be settled by 30 arbitration under this Act; 29 & 30 V., c. 51, s. 403.

When the amount may be revised.

1062. In case after the lapse of five years from such compensation having been so agreed upon, or awarded, or having been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant- 35 Governor in council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an order in council, direct that the then existing arrangement shall cease after a time named in the order, and after such times the councils shall settle anew, by agreement or by 40 arbitration under this Act, the amount to be paid from the time so named in the order; 29 & 30 V., c. 51, s. 404.

Who liable to confinement in

1063. Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the session of the Parliament of the late Province of 45 Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enacts that "any justice of the peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up house within his county, for a period not exceeding two days, of any 50 person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or

fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law; 29 & 30 V., c. 51, s. 409.

1064. The expense of conveying any prisoner to, and of keeping him in a lock-up-house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county; 29 & 30 V., c. 51, s. 410.

Expense of conveying and maintaining prisoners.

1065. Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to be a lock-up-house as if established under this Act; 29 & 30 V., c. 51, s. 411.

Previous lock-up houses to continue.

1066. The council may, by by-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and the council may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the municipality; and every such lock-up-house shall be placed in charge of a constable specially appointed for that purpose by the council; two or more municipal corporations may unite to establish and maintain a lock-up-house; 29 & 30 V., c. 51, s. 412. See also ss. 407 & 408.

Lock-up houses for persons sentenced to short imprisonment.

HOUSES OF INDUSTRY AND REFUGE.

1067. The council of every town separated from a county may acquire an estate in landed property for an industrial farm, and may within years after the passing of this act, establish a house of industry and a house of refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons, and other servants, for the superintendence, care and management of such house of industry or refuge, and in like manner make rules and regulations (not repugnant to law), for the government of the same; provided always, that any two or more united counties, or any two or more contiguous counties, or any town, and one or more counties, may agree to have only one house of industry or refuge, for such united or contiguous counties, or town and counties, and maintain and keep up the same in the manner herein provided; 29 & 30 V., c. 51, s. 413 & 31 V., c. 30, s. 42.

County council may erect and appoint inspectors of houses of industry.

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1068. Nothing herein contained, shall be taken or construed to affect or repeal so much of sections four hundred and four-

teen, and four hundred and fifteen of the Act, passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, which enact that,—

Who liable to be committed. "Any two of Her Majesty's justices of the peace, may, by writing under their hands and seals, commit to the house of industry or of refuge, to be employed and governed according to the rules, regulations, and orders of the house;" 5

Indigent: "(1.) All poor and indigent persons who are incapable of supporting themselves;" 45

Idle. "(2.) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ;

Lewd. "(3.) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living;" 15

Frequenters of public houses. "(4.) And all such as spend their time and property in public houses, to the neglect of any lawful calling;"

Idiots. "(5.) And idiots." 29 & 30 V., c. 51, s. 414.

Punishment of refractory inmates. "And every person committed to the house of industry or of refuge, if fit and able, shall be kept diligently employed at labour during his continuance there; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the house of industry or of refuge in that behalf." 25
29 & 30 V., c. 51, s. 415.

Inspectors to keep and render account of expenses, etc. **1069.** The inspector shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry and refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the council every year, or oftener when required by a by-law of the council, and a copy thereof shall be presented to the Legislative Assembly yearly. 35
29 & 30 V., c. 51, s. 416.

WORK-HOUSES.

Work houses or houses of correction. **1070.** The council may pass by-laws for erecting and establishing within the town, or on such industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof; 40
29 & 30 V., c. 51, s. 417, sub-s. 1.

Who liable to be committed thereto. **1071.** Nothing herein contained, shall be taken or construed to affect or repeal so much of section four hundred and seventeen of the Act, passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, as enacts that the council may pass by-laws, "For committing and sending, with or without hard labour, to the work-house, or 10

house of correction, or to the industrial farm, by the mayor, police magistrate, or two justices of the peace for the town, such description of persons as may by the council be deemed, and by by-laws be declared expedient; and such farm or ground held as aforesaid, shall, for the purposes in this section mentioned, be deemed to be within the town and the jurisdiction thereof." 29 & 30 V., c. 51, s. 417, sub-s. 2.

CONFIRMING AND SAVING CLAUSES.

1072. Nothing herein contained shall be taken or construed to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of her present Majesty, chaptered fifty-one, which enacts, that "so much of the schedules in either of the municipal corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten, and eleven, and schedule C of the same Act, numbers one, two and three, and schedule B of the Act of 1850, numbers one, five twelve, thirteen, fourteen and fifteen; and also so much of schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts, relating to any of the schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force." 29 & 30 V., c. 51, s. 423.

Exception from repeal.

1073. This Act shall take effect on the _____ day of _____ one thousand eight hundred and seventy, _____

Commence-
ment of this
Act and of

1074. All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of Ontario, are hereby repealed; but the repeal thereof shall not revive any act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or acts, or of any act or provision of law formerly in force, to any transaction matter or thing anterior to the said repeal to which they would otherwise apply. 29 & 30 V., c. 51, s. 428.

Inconsistent enactments repealed.

AS TO VILLAGES IT IS FURTHER ENACTED, AS FOLLOWS:

INTERPRETATION CLAUSE.

1075. Unless otherwise declared or indicated by the context whenever any of the following words occur in this Act, the meanings hereinafter expressed, attach to the same, namely: 29 & 30 V., c. 51, s. 422.

Interpretation of words:

(1.) The word "Municipality" means any locality the inhab- Municipality;
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itants of which are now incorporated, or are continued or become incorporated under this Act; 29 & 30 Vic., c. 51, s. 422, sub-s. 1.

council : (2.) The word "Council" means the Municipal Council or Provisional Municipal Council, as the case may be of the Municipality; 29 & 30 V., c. 51, s. 422, sub-s. 2. 5

county ; (3.) The word "County" means county, union of counties, or united counties, or provisional county, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 3.

township ; (4.) The word "Township" means township, union of townships or united townships, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 4. 10

land, real estate ; (5.) The words "Land," "Lands," "Real Estate," "Real Property," respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein; 29 & 30 V., c. 51, s. 422, sub-s. 5. 15

highway, road, etc. ; (6.) The words "Highway," "Road" or "Bridge," mean respectively, a public highway, road or bridge; 29 & 30 V., c. 51, s. 422, sub-s. 6.

electors ; (7.) The word "Electors," means the persons entitled for the 20 time being to vote at municipal elections in the municipality; ward, or electoral division or police village, as the case may be; 29 & 30 V., c. 51, s. 422, sub-s. 7.

reeve. (8.) The word "Reeve" includes the deputy reeve or deputy reeves, when there is a deputy reeve for the municipality; except in so far as respects the office of a justice of the peace; 29 & 30 V., c. 51, s. 422, sub-s. 8. 25

(9.) The words "next day" are not to apply or include Sunday or statutory holidays; 29 & 30 V., c. 5, s. 422, sub-s. 9.

EXISTING INSTITUTIONS CONTINUED.

Municipal corporations continued. **1076.** The inhabitants of every village incorporated at the 30 time this Act takes effect, shall continue to be a body corporate, and every police village then existing shall continue to be a police village, with the municipal boundaries of every such corporation and police village, respectively, then established; 29 & 30 V., c. 51, s. 1. 35

Police villages. **1077.** The trustees of every police village existing when this Act takes effect, shall be deemed the trustees, respectively, of every such village as continued under this Act; 29 & 30 V., c. 51, s. 2.

Heads, officers, by-laws, etc., continued. **1078.** The head and members of the council and the officers, 40 by-laws, contracts, property, assets and liabilities of every incorporated village, and the inspecting trustees of every police village existing when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such incorporated 45 village and inspecting trustees of such police village as continued under and subject to the provisions of this Act; 29 & 30 V., c. 51, s. 3.

NAMES AND GOVERNING BODY.

1079. The name of every incorporated village continued, or erected under this Act, shall be *The Corporation of the Village of* (naming the same); 29 & 30 V., c. 51, s. 4. Names of municipal corporations.

1080. The powers of every incorporated village under this Act, shall be exercised by the council thereof; 29 & 30 V., c. 51, s. 6. The council to exercise corporate powers.

POLICE VILLAGES.

1081. The police regulations of every police village shall be enforced through the police trustees; 29 & 30 V., c. 51, s. 7. Trustees in police villages.

NEW MUNICIPALITIES.

1082. The inhabitants of every locality erected into an incorporated village, after this Act takes effect, shall be a body corporate under this Act; 29 & 30 V., c. 51, s. 8. Extension of corporate municipalities.

NEW POLICE VILLAGES.

1083. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate, may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient, and shall in the by-law name the place in the village for holding the first election of police trustees, and the returning officer to hold the first election for such village; 29 & 30 V., c. 51, ss. 9, 86, 96. New police villages.
Places of election to be fixed by by-law.
First election by whom held.

NEW INCORPORATED VILLAGES.

1084. When the census returns of an unincorporated village with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village or neighbourhood are situate, shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same; provided always, that:—29 & 30 V., c. 51, ss. 10 and 96. When population contains 750 inhabitants, county council may incorporate a new village and name the place for first election, and a returning officer.
Proviso.

1085. No town or village incorporated after the passing of this Act, the population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land; 29 & 30 V., c. 51, s. 10, sub-a. I. Area of town or village limited.

(2) No town or village already or hereafter incorporated, and containing a population exceeding one thousand souls, shall Enlargement of area, limited.

make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand; 29 & 30 V., c. 51, s. 10, sub-s. 2

Existing towns or villages exceeding the area prescribed.

(3.) In the case of all towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said towns or villages shall not be permitted to make any further addition to their limits, until their population shall have reached a proportion as aforesaid to their present area; 29 & 30 V., c. 51, s. 10, sub-s. 3.

How population may be reckoned.

(4.) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any town or village may, for the purpose of such extension only, be held and reckoned among the inhabitants of such town or village; 29 & 30 V., c. 51, s. 10, sub-s. 4.

Reducing the area of villages.

(5.) The council of any county, or union of counties may, in their discretion, upon the application by petition of the corporation of any incorporated village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, by by-law in that behalf, reduce the area of such village by excluding from it lands used wholly for farming purposes; provided that such by-law shall define, by metes and bounds, the new limits intended for such incorporated village; and provided also, that no incorporated village shall by any such change of boundaries be reduced in population below the number of seven hundred and fifty souls; and provided further, that the municipal privileges and rights of such village shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof; 29 & 30 V., c. 51, s. 10, sub-s. 5.

When the village lies within two counties.

1086. When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant Governor in council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant Governor shall, by proclamation, annex the village to one of such counties; 29 & 30 V., c. 51, s. 11.

When by the Lieutenant-Governor.

1087. In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant Governor as aforesaid, then one hundred of the freeholders and house-holders on the census list may petition the Lieutenant Governor to settle the matter, and thereupon the Lieutenant Governor shall, by proclamation, annex the incorporated village to one of the said counties; 29 & 30 V., c. 51, s. 12.

Additions to villages by Lieutenant Governor.

1088. In case the council of an incorporated village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, by proclamation, add to the village any part of the localities adjacent, which, from the proximity

of the streets or buildings therein, or the probable future exigencies, of the village, it may seem desirable to add thereto; Provided always, that nothing herein contained shall be construed as authorizing any departure from the provisions of section one thousand and eighty-five of this Act. 29 & 30 V., c. 51, s. 18. Proviso.

ERECTION OF VILLAGES INTO TOWNS.

1089. A census of any incorporated village may at any time be taken under the authority of a by-law of the council thereof. 29 & 30 V., c. 51, s. 14. Towns; how formed.
Census.

1090. In case it appears by the census return taken under any such by-law, or under any Act of Parliament, that an incorporated village contains over three thousand inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions. 29 & 30 V., c. 54, s. 15. Village containing over 3,000 inhabitants, a town.

Firstly—The council of the village shall, for three months after the census return, insert a notice in some newspaper published in the village, or, if no newspaper be published therein, then the council shall, for three months, post up a notice in four of the most public places in the village, and insert the same in a newspaper published in the county in which the village is situate, setting forth in the notice the intention of the council to apply for the erection of the village into a town, and stating the limits intended to be included therein; 29 & 30 V., c. 51, s. 15, sub-s. 1. 1st—Notice to be given;

Secondly—The council of the village shall cause the census returns to be certified to the Lieutenant Governor in Council, under the signature of the head of the corporation and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant Governor in Council, then, in the case of a village, the Lieutenant Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation; 29 & 30 V., c. 51, s. 15, sub-s. 2. 2nd—Proof of publication of notice and census.
Proclamation.
Village made a town.

1091. The Lieutenant Governor may include in the new town such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings or the probable future exigencies of the new town, the Lieutenant Governor in Council may consider it desirable to attach thereto. 29 & 30 V., c. 51, s. 16. Extension of limits of such town.

EXISTING BY-LAWS CONTINUED ON FORMATION OF A NEW VILLAGE OR TOWN.

1092. In case any locality be erected into an incorporated village, or an incorporated village with or without additional area, be erected into a town, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same; 29 & 30 V., c. 51, s. 21. Existing by-laws continued.

BY-LAWS IN FORCE ON ADDITION TO MUNICIPALITY.

And when the limits of a municipality are extended.

1093. In case an addition be made to the limits of any municipality, the by-laws of the municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality added to; 29 & 30 V., c. 51, s. 22.

LIABILITY TO DEBTS TO CONTINUE ON FORMATION OF NEW VILLAGE OR TOWN.

Liability to debts to continue.

1094. In case of the formation of any locality into an incorporated village, or the erection of an incorporated village into a town, the village or town shall remain liable to all the debts and liabilities to which the locality or village was previously liable, in like manner as if the same had been contracted or incurred by the new municipality. 29 & 30 V., c. 51, s. 23.

And in case of an extension of limits.

1095. After an addition has been made to a village, the village shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. 29 & 30 V., c. 51, s. 24.

COUNCILS AND OFFICERS TO CONTINUE.

Former councils and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

1096. In case any locality be erected into an incorporated village, or incorporated village into a town, the council and the members thereof having authority in the locality or municipality immediately before such erection, shall, until the council for the newly erected corporation be organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 29 & 30 V., c. 51, s. 25.

Disposition of property upon separation of village from township or townships.

1097. In case of the formation of an incorporated village and its separation from a township or townships, the following shall be the disposition of the property: 29 & 30 V., c. 51, s. 60, & 64 sub-s. 1.

Real property situate in the village.

(1.) The real property situate in the village shall become the property thereof. 29 & 30 V., c. 51, s. 60, sub-s. 1, & s. 64, sub-s. 1.

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Real property situate in township.

(2.) The real property situate in the remaining township or townships shall be the property thereof. 29 & 30 V., c. 51, s. 60, sub-s. 2 & s. 64, sub-s. 1.

Joint interest in assets.

(3.) The corporations shall be jointly interested in the other assets, and the same shall be retained or divided or otherwise disposed of, as they may agree. 29 & 30 V., c. 51, s. 60, sub-s. 3, & s. 64, sub-s. 1.

(4.) The one shall pay or allow to the other, in respect of the said disposition of the real and personal property and in respect of the debts of the township or townships and village, such sum or sums of money as may be just. 29 & V., c. 51, s. 60, sub-s. 4, & s. 64, sub-s. 1.

Arrangement as to debts.

(5.) In case the council of the township or townships and village do not within three months after the first meeting of the council of the village agree as to the disposition of the personal property, or as to the sum to be paid by the one to the other or others or as to the times of payment thereof, the matter shall be settled by arbitration under this Act. 29 & 30 V., c. 51, s. 60, sub-s. 5, & s. 64, sub-s. 1.

How to be determined in case of disagreement.

(6.) The amount so agreed upon or settled shall bear interest from the day on which the village was formed, and shall be provided for by the council of the indebted corporation like other debts. 29 & 30 V., c. 51, s. 60, sub-s. 6 & s. 64, sub-s. 1.

Amount settled to bear interest.

1098. In case of such formation and separation of a village from a township or townships, the township or townships and village which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred after such formation and separation by the township or townships, or village respectively. 29 & 30 V., c. 51, s. 61, and s. 64, sub-s. 1.

Liability of unions for debts at time of dissolution.

1099. After such formation and separation the council of each remaining township shall issue its debentures or other obligations for any part of any debt theretofore contracted by it for which debentures or other obligations might have been, but had not been, issued before such formation and separation, and such debentures or obligations shall recite or state the liability of the village therefor under this Act; and the village shall be liable therefor as if the same had been issued by the village. 29 & 30 V., c. 51, s. 62, & s. 64, sub-s. 1.

Debentures to issue for debts and to find the old and new municipalities.

1100. All assessments imposed by the council of the union for the year next before the year in which such formation and separation takes effect shall belong to the union, and shall be collected and paid over accordingly, and after such formation and separation all special rates for the payment of debts theretofore imposed by any by-law of the union shall continue to be levied in the village; and the treasurer of the village shall pay over the amount as received to the treasurer of the township or townships, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the township. 29 & 30 V., c. 51, s. 63, and s. 64, sub-s. 1.

Assessments for year preceding dissolution who to belong to.

Special rates for debts continued, and to be paid over by Treasurer of village.

1101. In case the amount so paid over to any township, or to any creditor thereof, in respect of a liability before such formation and separation, exceeds the sum which, by the agreement or award between the councils, the village ought to pay, the excess may be recovered against such township as for money paid, or as for money had and received, as the case may be. 29 & 30 V., c. 51, s. 64, and sub-s. 1.

If the sum paid over exceeds the just amount, the excess to be refunded.

1102. The head of every incorporated village shall be designated the reeve thereof. 29 & 30 V., c. 51, s. 65.

Heads of incorporated villages, etc.

REEVES IN INCORPORATED VILLAGES.

Composition
of councils.

1103. The council shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of five hundred freeholders and householders on the last revised assessment roll, then a deputy reeve, and three councillors, and for every additional five hundred names of 5 persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29 & 30 V., c. 52, s. 2.

Trustees of
police village
to be three in
number.

1104. The trustees of every police village shall be three in number one of whom shall be the Inspecting Trustee. 29 & 30 10 V., c. 51, s. 68.

QUALIFICATION OF REEVES, DEPUTY REEVES AND OTHERS.

Qualification
of councillor,
etc.;

1105. The persons qualified to be elected reeves, deputy reeves and councillor or police trustees are such persons as reside within the municipality, or police village, or within two miles thereof, and are natural born or naturalized subjects of Her 15 Majesty, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or a freehold or leasehold partly legal and partly equitable rated in their own names on the last revised 20 assessment roll of such municipality to at least the value following, over and above all charges liens or incumbrances affecting the same :—

in police vil-
lages ;

In police villages—Freehold or leasehold to four hundred dollars ;

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in incorpora-
ted villages ;

In incorporated villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars ;

as to property
partly freehold
and partly
leasehold ;
leasehold de-
fined.

And so in the same proportion in case the property is partly freehold and partly leasehold.

The term "Leasehold" in this section shall not include a 40 term less than a tenancy for a year, or from year to year. 29 & 30 V., c. 51, s. 70.

Nature of
estate.

1106. And the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or partly legal and partly equitable. 29 & 30 V., c. 45 51, s. 70.

If only one
person be
qualified.

1107. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 29 & 30 V., c. 51, s. 72. 50

Disqualifica-
tion of coun-
cillors, etc.

1108. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, chamberlain, or clerk of any 55 municipal corporation, no bailiff of any division court, no county attorney, no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no inn-keeper

or saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall hereafter be qualified to be a member of the council; Provided always, that no person shall be held to be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the council or by having a lease of twenty-one years or upwards, of any property from the corporation of the municipality, but any such leaseholder shall not vote in the council on any question affecting any lease from such corporation. 31 V., c. 30, s. 8.

EXEMPTIONS.

1109. All persons over sixty years of age; all members and officers of the Legislative Assembly of Ontario, and of the Senate and House of Commons for Canada; all persons in the civil service of the Crown; all judges not disqualified by the last preceding section; all coroners, all persons in priests' orders; clergymen and ministers of the Gospel of every denomination; all members of the law Society of Upper Canada, whether barristers or students; all attorneys and solicitors in actual practice; all officers of courts of justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college or school in Ontario, and all officers and servants thereof; all millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed to any corporate office. 29 & 30 V., c. 51, s. 74.

ELECTORS.

1110. The electors of every municipality for which there is an assessment roll, and the electors of every police village, shall be the freeholders thereof in their own right or right of their wives, whether resident or not, and such of the residents therein for one month next before the election as then are, or whose wives then are householders or tenants in the municipality; all which electors shall be natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and (if not voting in respect of a freehold), resident within the municipality for which the vote is being taken for one month next before the election; and all which electors shall have been severally rated on the last revised assessment roll for real property in the municipality or police village, held in their own right or that of their wives as proprietors, householders or tenants, and have received no reward, nor have any expectation of reward for voting, and are named or purported to be named in the list of electors: such rating shall be absolute and final, and shall not be questioned either by any returning officer, or on any application to set aside any election. The clerk shall furnish the returning officer with a list of electors verified as such under his hand. 29 & 30 V., c. 51, ss. 75 & 101, sub-s. 8; 31 V., c. 30, s. 9.

1111. In incorporated and police villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value following:

In incorporated villages—Two hundred dollars.

In police villages—One hundred dollars. 31 V., c. 30, s. 10.

In newly erected townships not having any assessment rolls.

1112. At the first election for a newly-created municipality for which there is no separate assessment roll, the qualification of nomination on such list of electors and of rating on the roll is dispensed with, and every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has in his own right or that of his wife, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and name the property on which he votes at the time of tender of his vote, and he need not, though not a freeholder, have been resident for one month next before the election. 29 & 30 V., c. 51, s. 77. 5 10

Wards in which electors shall vote.

1113. In incorporated villages divided into electoral divisions, no elector shall vote in more than one electoral division. 29 & 30 V., c. 51, s. 78. 15

Householder defined.

1114. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166. 20

When landlord and tenant both rated.

1115. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 29 & 30 V., c. 51, s. 79.

When joint owners rated together.

1116. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 31 V., c. 30, s. 11. 25

ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

Electors for townships not to be in villages, and no elections to be in taverns.

1117. No election of township councillors shall be held within any incorporated village, nor shall any election for a municipality or any ward thereof be held in a tavern or house of public entertainment licensed to sell spirituous liquors. 29 & 30 V., c. 51, s. 82. 30

FIRST ELECTION IN NEW AND EXTENDED MUNICIPALITIES.

First election when corporations are newly erected or extended.

1118. In case of the erection of a police into an incorporated village, or of the erection of a village into a town, and in case of an additional tract of land being added to an incorporated village the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29 & 30 V., c. 51, s. 83, sub-ss. 3, 4 & 5 35 40

Times of election.

Places of election.

1119. Every election shall be held in the municipality or police village to which the same relates. 29 & 30 V., c. 51, s. 84.

To be fixed by

1120. The council shall from time to time, by by-law, appoint 55

the place or places for holding the next ensuing municipal elections; otherwise the election shall be held at the place or places at which the last election for the municipality or electoral divisions was held. 29 & 30 V., c. 51, s. 85.

- 5 **1121.** The electors of every municipality shall elect annually on the first Monday in January, the members of the council, except such members as may have been elected at the nomination, and on the second Monday in January the electors of every police village shall annually elect the police trustees of the village; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council or police trustees organized, 33 V. c. 26, s. 3.

Yearly elections of council officers and police trustees.

ELECTIONS OF REEVES AND COUNCILLORS.

- 15 **1122.** The election of reeves, deputy reeves and councillors shall be by general vote, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 29 & 30 V., c. 51, s. 93.

Certain elections to be by general vote.

RETURNING OFFICERS.

- 20 **1123.** The council of every municipality in which the election is to be by electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing elections. 29 & 30 V., c. 51, s. 94.

Returning officers for elections by wards.

WHEN CLERKS TO BE EX-OFFICIO RETURNING OFFICERS.

- 25 **1124.** In the case of a municipality in which the election is not to be by electoral divisions, the clerk shall be the returning officer at all elections after the first. 29 & 30 V., c. 51, s. 95.

When Clerk to be ex officio returning officer.

RETURNING OFFICERS FOR ELECTIONS AFTER THE FIRST.

- 30 **1125.** In police villages, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer. 29 & 30 V., c. 51, s. 96.

After first elections police trustees to appoint.

IF THE RETURNING OFFICER BE ABSENT.

- 35 **1126.** In case, at the time appointed for holding an election, the returning officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a returning officer. 29 & 30 V., c. 51, s. 97.

The absence of returning officer provided for.

THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

- 40 **1127.** The returning officer shall, during the days of the election, or of voting of electors as to a by-law act as a conservator of the peace for the county in which the election or voting is held, and he, or any Justice of the Peace having jurisdiction in the

Returning officers to be conservators of the peace; their powers.

municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting shall assist the returning officer or justice of the peace. 29 & 30 V., c. 51, s. 98. 5

MAY SWEAR IN SPECIAL CONSTABLES.

Special constables may be sworn in.

1128. Every returning officer or justice of the peace may 10 appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election or voting; and any person liable to serve as constable and required to be sworn in as a special constable by returning officer or justice shall, if he refuses to be sworn in or to serve, be liable 15 to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 29 & 30 V., c. 51, s. 99.

PROCEEDINGS AT ELECTIONS.

Nomination meeting.

1129. A meeting of the electors shall take place for the nomination of candidates for the offices of reeve, deputy reeves, councillors and police trustees, in incorporated and police villages, 20 at noon, on the last Monday but one in December, annually, at such place therein as shall from time to time be fixed by by-law. 29 & 30 V., c. 51, s. 100.

President.

(1.) The clerk (or in his absence a chairman to be chosen) shall preside at such meeting, of which the clerk shall give at 25 least six days' notice; 29 & 30 V., c. 51, s. 100, sub-s. 1.

If no more candidates than offices.

(2.) If only the necessary number of candidates to fill the vacant offices, shall be proposed and seconded, the clerk or chairman shall, after the lapse of one hour, declare such candidate or candidates duly elected; 29 & 30 V., c. 51, s. 100, sub- 30 s. 2.

If more and poll demanded.

(3.) If more than the necessary number of candidates are proposed, the clerk or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened in each electoral division, or if the municipality be not 35 divided into electoral divisions, then at such place as the council shall by by-law determine for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer: 29 & 30 V., c. 51, s. 100, sub-s 3; and 31 V., c. 30, s. 13. 40

Notice of persons proposed.

(4.) The clerk or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the municipality, the names of the persons proposed for the respective offices, and the clerk shall provide the returning officer, or officers in case of electoral divisions, with a certified list of the names of such candidates, specifying the offices 45 for which they are respectively candidates; 29 & 30 V., c. 51, s. 100, sub-s. 4.

List of voters.

(5.) The clerk shall, before the poll is opened deliver to the returning officer for every electoral division, a list of the names,

arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in that electoral division, to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand ; 29 & 30 V., c. 51, s. 100, sub-s. 5.

(6.) The clerk shall provide the returning officer with a poll-book, and he, or his sworn poll-clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name ; 29 & 30 V., c. 51, s. 100, sub-s. 6.

(7.) In incorporated and police villages every returning officer shall, on the day after the close of the poll, return the poll-book to the clerk, verified under oath before the said clerk, or any justice of the peace for the county or union of counties in which the township may lie, as to the due and correct taking of the votes ; 29 & 30 V., c. 51, s. 100, sub-s. 7; and 31 V., c. 30, s. 14.

(8.) The clerk (or person so appointed as chairman as aforesaid) shall add up the votes set down for each candidate on the respective poll-books, and ascertain the aggregate number of votes, and shall on the day following the election, put up in some conspicuous place at the town hall, or other place where the nomination was held, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, showing the successful candidate or candidates ; 31 V. c., 30, s. 15.

(9.) In case two or more candidates have an equal number of votes, the said clerk, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the clerk shall not vote at any such election ; 29 & 30 V., c. 51, s. 100, sub-s. 9.

WHO MAY ADMINISTER OATHS.

1130. The returning officer or chairman may administer all oaths or affirmations necessary at any election, or any vote in respect of a by-law. 29 & 30 V., c. 51, s. 101, sub-s. 7.

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

HOUSEHOLDERS AND TENANTS.

1131. At any election, the only oaths or affirmations to be required of any person claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect :—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of her Majesty ; that he has not voted before at the election in the township or ward (as the case may be) in which he is tendering his vote ; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election ; that he is resident within the municipality for which the election is held for one month next before the election ; and that he is, or his wife is, a householder or tenant within such municipality.

and (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; (or in case of a new municipality in which there has not been any assessment roll,) then instead of swearing to residence for one month next before the election, and referring to the list of electors, 5 the person offering to vote may be required to state in the oath the property, in respect of which he claims to vote, and that he is a resident of such municipality; And such oaths or affirmations shall be administered at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations; 29 & 30 V., c. 51, ss. 77, 101, sub-sec. 8; 31 V., c. 30, ss. 9, 10.

FREEHOLDERS.

1132. And the only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to the same effect:—That he is of the full age of 15 twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the township or ward (as the case may be) in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, 20 for the vote which he tenders at the election; that he is a freeholder in his own right, (or right of his wife, as the case may require); and in every case (except as hereafter named) that he is the person named, or purporting to be named in the list of the electors; and in case of a new municipality in which there 25 has not been any assessment roll, then instead of referring to the list of electors, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality. And such oaths or affirmations shall be administered at the request of 30 any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 29 & 30 V., c. 51, s. s. 77, 101, sub-s. 8; 31 V., c. 30, s. s. 9, 10.

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Election riotously broken up to be resumed.

1133. In case, by reason of riot or other emergency, an election is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, for four days until the 40 poll has been open without interruption and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 29 & 30 V., c. 51, s. 103.

45

If election is prevented for four days, poll book to be returned, and a new election ordered.

1134. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election, and a 50 new election shall take place; and the head of the municipality shall issue his warrant accordingly. 29 & 30 V., c. 51, s. 104.

ELECTION WHEN SEAT VACATED.

When seat in

1135. If, after the election of any person as member of a

council, he be convicted of felony or infamous crime, or become insolvent, within the meaning of the Insolvent Act of one thousand eight hundred and sixty-nine, or he apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or he absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election.

10 31 V., c. 30, s. 22.

1136. In any case provided for by section one thousand one hundred and thirty-five, or in case a person elected to the council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the council caused by death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council shall forthwith by warrant under the signature of such head clerk or member, and under the corporate seal, require the returning officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 29 & 30 V., c. 51, s. 125.

1137. The person there upon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled. 29 & 30 V., c. 51, s. 126.

1138. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk in like manner as provided for by the one thousand one hundred and thirty-sixth section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 29 & 30 V., c. 51, s. 127.

1139. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. 29 & 30 V., c. 51, s. 128.

APPOINTMENTS IF ELECTION NEGLECTED.

1140. In case at any annual or other election, the electors, from any cause not provided for by the one thousand and thirty-third and one thousand and thirty-fourth sections, neglect or decline to elect the members of the council for a municipality on the day appointed, or to elect the requisite number of members the other members of the council, or if there are none then the members for the preceding year, or the majority of them, respectively, shall appoint so many qualified persons as will constitute or complete the number of members requisite, and the persons so appointed shall accept office and make the necessary

declarations under the same penalty in case of refusal or neglect, as if elected. 29 & 30 V., c. 51, s. 129.

CONTESTED ELECTIONS.

Trial of con-
tested elec-
tions or right
to elect.

1141. In case the right of any municipality to a reeve or deputy reeve or reeves, or in case the validity of the election or appointment of warden or reeve, or deputy reeve, is con- 5
tested, the same may be tried in term or vacation by a judge of either of the superior courts of common law, or the clerk of the crown and pleas of the Court of Queen's Bench, sitting in chambers, under the authority of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered eleven, 10
or of any general rule made or to be made under the said Act, the senior or officiating judge of the county court of the county in which the election or appointment took place: and when the right of a municipality to a reeve or deputy reeve or reeves is the matter contested, any municipal elector in the 15
county may be the relator; and when the contest is respecting the validity of any such election or appointment as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose. 20
29 & 30 V., c. 51, s. 130.

PROCEEDINGS FOR THE TRIAL THEREOF.

1142. The proceedings for the trial shall be as follows:

Time for limit-
ed, and secur-
ity and proof
required.

(1.) If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, or such clerk of the crown and pleas, reasonable grounds for supposing that the election was 25
not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before any such judge, or said clerk of the crown and pleas, or before a commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to 30
be allowed as sufficient by the judge or clerk of the crown and pleas, upon affidavit of justification,) in the sum of one hundred dollars each, conditional to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge 35
or clerk of the crown and pleas shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested; 29 & 30 V., c. 51, s. 131, sub-s. 1.

Writ of *quo*
warranto.

When the re-
lator claims
to be elected.

(2.) In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the 40
validity, both of the election complained of, and the alleged election of the relator or other person; 29 & 30 V., c. 51, s. 131, sub-s. 2.

When several
are complained
;

(3.) In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ 45
against such persons; 29 & 30 V., c. 51, s. 131, sub-s. 3.

all to be tried
by the same
judge.

(4.) Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be returnable or heard before such judge or clerk whoever is to try the first, and such judge 50

or clerk may give one judgment upon all or a separate judgment upon each one or more of them, as he thinks fit; 29 & 30 V. 15, s. 131, sub-s. 4.

(5.) The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the Crown in the county in which the election took place, and shall be returnable before the judge in chambers of any of the Superior Courts of Common Law at Toronto, or before the judge of the county court at a place named in the writ, or the said clerk of the crown and pleas sitting in chambers, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ; 29 & 30 V., c. 51, s. 131, sub-s. 5.

Writ, who to issue, and return day thereof.

(6.) The judge or clerk of the crown and pleas before whom the writ is made returnable, or is returned; may if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto; 29 & 30 V., c. 51, s. 131, sub-s. 6.

Returning officer may be made a party;

(7.) Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge or said clerk of the Crown and Pleas upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit; 29 & 30 V., c. 51, s. 131, sub-s. 7.

service to be personal, unless excused by judge;

(8.) The judge or clerk of the Crown and Pleas before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings; 29 & 30 V., c. 51, s. 131, sub-s. 8.

the judge may allow persons, etc., to intervene;

(9.) The judge or clerk of the Crown and Pleas shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any court named by him, or by one or more of these means, as he deemed expedient; 29 & 30 V., c. 51, s. 131, sub-s. 9.

the judge shall try summarily;

(10.) In case the election complained of be adjudged invalid, the judge or clerk of the Crown and Pleas shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge or clerk of the Crown and Pleas determines that any other person was duly elected, he shall forthwith order a writ to issue causing such other person to be admitted; and in case he determines that no other person was duly elected instead of the person removed, he shall by the writ cause a new election to be held; 29 & 30 V., c. 51, s. 131, sub-s. 10.

and remove, admit or confirm;

(11.) In case the election of all the members of a council be adjudged invalid, the writ for their removal, and for the election

if all the members ousted, etc., writ for

- new election to go to the sheriff ; of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place ; and the sheriff shall have all the power for causing the election to be held which a municipal council has in order to supply vacancies therein ; 29 & 30 V., c. 51, s. 131, sub-s. 11. 5
- defendant may disclaim ; (12.) Any person whose election is complained of may, within one week after service on him of the writ, transmit post paid, through the post office, directed "to the Clerk of the Judges' Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court," of the County of (as the case may be), or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him, to the effect following : 10
- how to proceed, " I. A. B., upon whom a writ of summons, in the nature of a *Quo Warranto*, has been served for the purpose of contesting "my right to the office of Reeve, (or as the case may be), " for the Village of "or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to use the same." 20
- Form of disclaimer. Dated the day of 18 A. B. (Signed) 29 & 30 V., c. 51, s. 131, sub-s. 12.
- Posting and registry of disclaimer, (13.) Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed ; 29 & 30 V., c. 51, s. 131, sub-s. 13. 25
- duplicate disclaimer to be delivered to clerk ; (14.) Every person so disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council ; 29 & 30 V., c. 30 s. 131, sub-s. 14.
- costs provided for ; (15.) No costs shall be awarded against any person disclaiming as aforesaid, unless the judge or said clerk of the Crown and Pleas is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which cases the costs shall be in the discretion of the judge or clerk ; 29 & 30 V., c. 51, s. 131, sub-s. 15. 35
- when discretionary ; (16.) In all cases, not otherwise provided for, costs shall be in the discretion of the judge or clerk of the Crown and Pleas aforesaid ; 29 & 30 V., c. 51, s. 131, sub-s. 16. 40
- person elected may disclaim at any time before his election is complained of ; (17.) Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows :— 45
- " I, A. B., do hereby disclaim all right to the office of Reeve " (or as the case may be) for the village of " (or as the case may be), and all defence of any right I have " to the same."
- disclaimer to operate as resignation ; Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having

the next highest number of votes shall then become the reeve (or as the case may be); 29 & 30 V., c. 51, s. 131, sub-s. 17.

- (18.) The decision of the judge or clerk aforesaid of the Crown and Pleas shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *Mandamus*, and by writs of execution for the costs awarded; 29 & 30 V., c. 51, s. 131, sub-s. 18.

- (19.) The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, *mandamus* and execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the court or judge, or clerk of the crown and pleas aforesaid, and respecting the practice generally in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid; 29 & 30 V., c. 51, s. 131, sub-s. 19.

- 1143.** The appointment of members of municipal councils when required to be made under this Act, shall be deemed elections within the preceding section, and in such cases the relator may be any member of the council, or any elector of the municipality or ward for which the appointment was made. 29 & 30 V., c. 51, s. 132.

MEETINGS OF COUNCIL, &c.

FIRST MEETING OF MEMBERS ELECT.

- 1144.** The members of every council and the trustees of every police village shall hold their first meeting at noon, on the third Monday of the same January, in which they are elected, or on some day thereafter at noon. 29 & 30 V., c. 51, s. 133.

SUBSEQUENT MEETINGS.

- 1145.** All the meetings of the council, shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints. 29 & 30 V., c. 51, s. 138.

- 1146.** The council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. 29 & 30 V., c. 51, s. 140.

- 1147.** In case there is no by-law of the council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held; and a special meeting may be open or closed as in the opinion

of the council expressed by resolution in writing, the public interest requires. 29 & 30 V., c. 51, s. 141.

Quorum. **1148.** A majority of the whole number of members required by law to constitute the council shall form a quorum. 29 & 30 V., c. 51, s. 142. 5

In councils of five, three must concur. **1149.** When the council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. 29 & 30 V., c. 51, s. 143.

Adjournments. **1150.** Every council may adjourn its meetings from time to time. 29 & 30 V., c. 51, s. 144. 10

WHO TO PRESIDE IN COUNCIL.

The heads to preside in council. **1151.** The head of the council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the council. 29 & 30 V., c. 51, s. 145. 15

When reeve or deputy reeve to preside. **1152.** In case of the death or absence of the head of a council the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall decide which of them shall preside at their meeting. 29 & 30 V., c. 20 51, s. 146.

Absence of head provided for. **1153.** In the absence of the head of the council, and also of the deputy reeve or deputy reeves, if there be one or more, by leave of the council, or from illness, the council may, from among the members thereof eligible to be elected head, appoint a presiding officer, who during such absence, shall have all the powers of the head of the council. 29 & 30 V., c. 51, s. 147. 25

Casual absence provided for. **1154.** If the person who ought to preside at any meeting does not attend within () minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29 & 30 V., c. 51, s. 148.

Head to vote. Presumptur pro neganti, in case of ties. **1155.** The head of the council, or the presiding officer or chairman of any meeting of the council, may vote with the other members on all questions; and any question on which there is an equality of votes shall be deemed to be negatived. 29 & 30 V., c. 51, s. 149. 35

RESIGNATION OF THE HEAD OF COUNCIL.

Vacancies provided for. **1156.** Vacancies caused by the resignation of a reeve shall be filled by an ordinary election as provided by section one thousand one hundred and thirty-six; 29 & 30 V., c. 52, s. 150.

Any member may resign. **1157.** Any member of a council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death. 29 & 30 45 V., c. 51, s. 151.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

1158. The council shall appoint a clerk ; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted; and shall keep the books, records and accounts of the council ; and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of proceedings of the council, all which he shall so keep in his office, or in the place appointed by by-law of the council. 29 & 30 V., c. 51, s. 152.

The clerk and his duties.

1159. Any person may inspect any of the particulars aforesaid at all seasonable times ; and the clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 29 & 30 V., c. 51, s. 153.

Minutes, etc., to be open to inspection.

Copies to be furnished and charges therefor.

1160. The clerk shall, on or before the first day of December in each year, transmit to the Treasurer of the Province a true return of the number of resident ratepayers appearing on the revised assessment roll of his municipality for the year, and shall accompany such return with an affidavit made before a justice of the peace verifying the same, in the following form :

Oath or verification.

Clerk to transmit a yearly return of ratepayers to the Receiver General.

" I, A. B., clerk of the corporation of the municipality of the village of _____ make oath and say, that the above (or the within written or the annexed) return (as the case may be), contains a true statement of the number of resident ratepayers appearing on the assessment roll of the said village for the year one thousand eight hundred and _____

(Signed),

A. B.

" Sworn before me, &c." 29 & 30 V., c. 51, s. 154.

1161. And in case of default in any year so to transmit, the clerk shall be liable to a penalty of twenty dollars, to be paid to the Treasurer of the Province for the use of the Province to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing by-laws under this Act. 29 & 30 V., c. 51, s. 155.

Penalty for default.

1162. The clerk shall, in each year, within one week after the first day of January, make a return to the clerk of the county in which the municipality is situate, of the following particulars respecting his municipality for the year then last past, namely:

To make a yearly return to the County Clerk.

50 Heads of columns numbered 1 to 6 in the margin of the return to be made by the clerk	{	(1) The number of persons assessed. (2) Number of acres assessed. (3) Total actual value of real property. (4) Total of taxable incomes. (5) Total value of personal property. (6) Total amount of assessed value of real and personal property.
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What each return shall show.

- (7.) Total amount of taxes imposed by by-laws of the municipality.
- (8.) Total amount of taxes imposed by by-laws of the county council.
- (9.) Total amount of taxes imposed by by-laws of any provisional county council. 5
- (10.) Total amount of lunatic asylum or other Provincial tax.
- (11.) Total amount of all taxes as aforesaid.
- (12.) Total amount of income collected or to be collected from assessed taxes for the use of the municipality. 10
- (13.) Total amount of income from licenses.
- (14.) Total amount of income from public works.
- (15.) Total amount of income from shares in incorporated companies. 15
- (16.) Total amount of income from all other sources.
- (17.) Total amount of income from all sources.
- (18.) Total expenditure on account of roads and bridges.
- (19.) Total expenditure on account of other public works and property. 20
- (20.) Total expenditure on account of stock held in any incorporated company.
- (21.) Total expenditure on account of schools and education, exclusive of school trustees' rates.
- (22.) Total expenditure on account of the support of the poor or charitable purposes. 25
- (23.) Total expenditure on account of debentures and interest thereon.
- (24.) Total gross expenditure on account of administration of justice in all its branches. 30
- (25.) Amount received from government on account of administration of justice.
- (26.) Total net expenditure on account of administration of justice.
- (27.) Total expenditure on account of salaries, and the expenses of municipal government. 35
- (28.) Total expenditure on all other accounts.
- (29.) Total expenditure of all kinds.
- (30.) Total amount of liabilities secured by debentures.
- (31.) Total amount of liabilities unsecured. 40
- (32.) Total liabilities of all kinds.
- (33.) Total value of real property belonging to the municipality.
- (34.) Total number of sheep worried by dogs, and the amount paid therefor by the municipality. 45
- (35.) Total value of stock in incorporated companies owned by the municipality.
- (36.) Total amount of debts due to the municipality.
- (37.) Total amount of arrears of taxes.
- (38.) Balance in hands of treasurer. 50
- (39.) All other property owned by the municipality.
- (40.) Total assets; 29 & 30 V., c. 51, s. 156, and 31 V., c. 30, s. 23.

County clerk
to make a re-
turn to the
Provincial
Secretary.

1163. The clerk of every county shall, before the first day of February in each year, prepare and transmit to the Secretary 55 and Registrar of the Province a statement of the aforesaid particulars respecting all the municipal corporations within his county, entering each corporation in a separate line, and the

particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole county. 29 & 30 V., c. 51, s. 157.

- 1164.** The treasurer of the county shall retain in his hands
 5 any moneys payable to any municipal corporation if it is certified to him by the clerk of the county that the clerk of such corporation has not made the return hereinbefore required; and the Treasurer of the Province shall retain in his hands any
 10 moneys payable to any such corporation, if it is certified to him by the Secretary and Registrar of the Province, that the clerk of such corporation has not made the returns hereinbefore required; and any person so required to make any return by a particular day who fails so to do, shall be liable to a penalty of twenty dollars, to be paid to the Treasurer of the Province for
 15 the use of the Province, to be recovered by summary proceedings in the manner provided for infringing by-laws under this act; 29 & 30 V., c. 51, s. 159.

Moneys to be retained if returns not made.

TREASURER.

- 1165.** The council shall appoint a treasurer; and every treasurer, before entering upon the duties of his office, shall give
 20 such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; provided that it shall be the duty of the council in each and every year to enquire into the validity of the security given by such
 25 treasurer and report thereon; 29 & 30 V., c. 51, s. 161.

To give security.

Treasurer to be appointed.

Proviso.

- 1166.** Every treasurer shall receive and safely keep all moneys
 belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the council direct;
 30 but no member of the corporation shall receive any money from such treasurer for any work performed or to be performed; and such treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the council; 29 & 30 V., c. 51, s. 162.

To receive and take care of, and disburse moneys, etc.

His liability limited.

- 1167.** The treasurer of every municipality for which any sum
 35 of money has been raised on the credit of the consolidated municipal loan fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such municipality, transmit to the board of audit, on or before the fifteenth day
 40 of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls, a true account of all the debts and liabilities of the municipality for every purpose, for
 45 the then last year; and such further information and particulars with regard to the liabilities and resources of the municipality, as the Lieutenant Governor in council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one
 50 hundred dollars, to be recovered with costs as a debt due to the crown, and in any court or in any way in which debts due to the crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove by any one witness or other evidence that such account, return, information or par-

To make a yearly return to the board of audit.

How attested, and what it must show.

Penalty for default.

Half-yearly
statements for
the council.

Proviso.

particulars ought to have been transmitted by the defendant, as alleged on the part of the crown, and the onus of proving that the same was so transmitted shall rest on the defendant; and it shall also be the duty of such treasurer to prepare and submit to the municipal council half-yearly, a correct statement of the moneys at the credit of the municipality whose officer he is; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such treasurer to draw any moneys belonging to such municipality; 29 & 30 V., c. 51, s. 163. 5 10

ASSESSORS AND COLLECTORS.

Assessors and
collectors
appointments
and qualifica-
tion of.

1168. The council shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same property qualifications as that required for a councillor of the municipality. 29 & 30 V., c. 51, s. 164. 15

Assessors to
designate free-
holders and
householders
in their assess-
ment rolls.

1169. The assessors shall state in their assessment rolls whether the persons named therein are freeholders, householders or tenants, and shall, in separate columns for this purpose, use the initial letters "F" "H" or "T" to signify the same respectively. 31 V., c. 30, s. 24. 20

Householders
defined.

1170. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door shall be deemed a householder within this Act. 29 & 30 V., c. 51, s. 166. 25

AUDITORS.

Auditors.

1171. The council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year is or was a member, or is or was clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the village, except as auditor, shall be appointed an auditor. 29 & 30 V., c. 51, s. 169. 30 35

Disqualifica-
tion for office
of.

Duties of.

1172. The auditors shall examine and report upon all accounts affecting the village, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. 29 & 30 V., c. 51, s. 170. 40

To prepare an
abstract and
detailed state-
ment of re-
ceipts and ex-
penditures,
etc.

1173. The auditors shall prepare an abstract of the receipts, expenditures and liabilities of the village, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or rate payer of the municipality may 45 50

inspect one of such duplicate reports at all seasonable hours, and may by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. 29 & 30 V., c. 51, s. 171.

1174. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the village; and in case of charges not regulated by law, the council shall allow what is reasonable. 29 & 30 V., c. 51, s. 172.

The council to audit finally, etc.

1175. The clerk shall publish the auditors' abstract and report (if any) and shall also publish the detailed statement in such form as the council directs. 29 & 30 V., c. 51, s. 173.

Clerk to publish abstracts and statements.

1176. The council of every county may appoint two or more valuers within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the county council, but such valuers shall not exceed the powers possessed by assessors under this act, and the valuation so made, may be made the basis of equalization by the county council for a period not exceeding five years; 29 & 30 V., c. 51, s. 175.

County council may appoint valuers, their duties, etc.

SALARIES AND CONTINUANCE IN OFFICE.

1177. In case the remuneration of any of the officers of the municipality has not been settled by act of the legislature or by the council, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council; 29 & 30 V., c. 51, s. 176.

Salaries of officers;

1178. The treasurer may be paid a salary or percentage; and all officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this act, perform all other duties required of them by any other statute, or by the by-laws of the council having jurisdiction over such officers; 29 & 30 V., c. 51, s. 177.

of treasurer.

OFFICIAL DECLARATIONS.

1179. Every person elected or appointed under this act to any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Declaration of qualification.

"I, A. B., do solemnly declare that I am a natural born (or Form of. "naturalized" subject of Her Majesty; and have and had to my own use and benefit in my own right (or have and had in "right of my wife as the case may be), as proprietor (or tenant "as the case may be) at the time of my election to the office of "hereinafter referred to (or appointment as the "case may require) such an estate as does qualify me to act in "the office of (naming the office) for (naming the place for "which such person has been elected or appointed) and that "such estate is (the nature of the estate to be specified as an "equitable estate of leasehold or otherwise, as the case may "require, and if land, the same to be designated by its local "description, rents, or otherwise), and that such estate at the

"time of my election (or appointment, as the case may require), was of the value of at least (specifying the value) over and above all charges, liens, and incumbrances affecting the same;" 29 & 30 V., c. 51, s. 178.

Declaration of office. **1180.** Every returning officer and returning officer's clerk, 5 every councillor and every clerk, assessor, collector, and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:

Form of. "I, A. B., do solemnly promise and declare, that I will truly, 10
"faithfully and impartially, to the best of my knowledge and
"ability, execute the office of (*inserting the name of the office*)
"to which I have been elected (or appointed) in this village,
"and that I have not received and will not receive any pay-
"ment or reward, or promise of such, for the exercise of any 15
"partiality or malversation or other undue execution of the
"said office, and that I have not by myself or partner, either
"directly or indirectly, any interest in any contract with or on
"behalf of the corporation;" 29 & 30 V., c. 51, s. 179.

Denial of disqualifying interest, who to take. **1181.** The solemn declaration to be made by every councillor 20 shall also state that he has not by himself or his partner an interest in any contract with or on behalf of the corporation; 29 & 30 V., c. 51, s. 180.

Auditors declaration. **1182.** The solemn declaration to be made by every auditor shall be as follows: 25

Form of. "I, A. B., having been appointed to the office of auditor for
"the municipal corporation of the village of (*naming it*)
"do hereby promise and declare that I will faithfully perform
"the duties of such office according to the best of my judgment
"and ability; and I do solemnly declare, that I had not di- 30
"rectly or indirectly any share or interest whatever in any con-
"tract or employment (*except that of auditor, if re-appoint-*
"*ed*) with, by or on behalf of such municipal corporation, during
"the year preceding my appointment, and that I have not any
"contract or employment (*except that of auditor, if re-appoint-* 35
"*ed*) for the present year." 29 & 30 V., c. 51, s. 181.

Heads and other members of the council before whom to declare. **1183.** The head and other members of the council and the subordinate officers of the municipality, shall make the declaration of office and qualification before some court, judge, police magistrate or other justice of the peace having jurisdiction in the municipality for which such head, member or officers have been elected or appointed, or before the clerk of the municipality. 29 & 30 V., c. 51, s. 182. 40

Certificate of declaration. **1184.** The court, judge or other person before whom such declarations are made, shall give the necessary certificate of 45 the same having been duly made. 29 & 30 V., c. 51, s. 183.

Heads of council and reeves may administer oaths, etc. **1185.** The head of any council, any reeve or deputy reeve, any justice of the peace and clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in 50 which he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration. 29 & 30 V., c. 51, s. 184.

1186. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 29 & 30 V., c. 51, s. 185.

Oaths and declaration to be subscribed and kept.

1187. Every qualified person duly elected or appointed to be a reeve, deputy reeve, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who, upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more justices of the peace under and subject to the Consolidated Act of Canada respecting the duties of justices of the peace out of session, in relation to summary convictions and orders, forfeit not more than eighty dollars nor less than eight dollars, at the discretion of such justices, to the use of the municipality, together with the cost of prosecution. 29 & 30 V., c. 51, s. 186.

Penalty for refusing to accept office or take the oath, etc.;

how enforced.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

1188. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the village; and no such person or officer shall refuse or fail to deliver up or pay over the same respectively to the village, or to any person authorized by the council to demand them, but nothing herein shall affect any remedy of the corporation or of any other person against the offender or his sureties, or any other party. 29 & 30 V., c. 51, s. 187.

Embezzlement by municipal officers.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

1189. No person shall unlawfully or maliciously, either by violence or stealth, take from any deputy returning officer or poll clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroy, injure or obliterate, or cause to be wilfully or maliciously destroyed, injured or obliterated, or make or cause to be made any erasure, addition of names or interlineation of names into or upon, or aid, counsel or assist in so taking destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon, any writ of election or any return to a writ of election, or any indenture, poll book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections. 29 & 30 V., c. 51, s. 188.

Stealing or destroying, etc., certain documents relating to municipal elections to be felony

JURISDICTION OF THE COUNCIL.

1190. The jurisdiction of the council shall be confined to the municipality the council represents except where authority beyond the same is expressly given, and the powers of the

Local jurisdiction of councils.

council shall be exercised by by-law when not otherwise authorized or provided for. 29 & 30 V., c. 51, s. 190.

General power to make local regulations ; to regulate meetings and proceedings ; to repeal or alter by-laws.

1191. The council may make regulation not specially provided for by this Act, and not contrary to law, for governing the proceedings of the council—the conduct of its members,—and the appointing or calling of special meetings of the council; and generally, such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 29 & 30 V., c. 51, s. 191.

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BY-LAWS OF THE COUNCIL.

HOW AUTHENTICATED.

How by-laws be authenticated.

1192. Every by-law of the council shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 29 & 30 V., c. 51, s. 192.

15

Certified copies to be evidence.

1193. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged. 29 & 30 V., c. 51, s. 193.

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OPPOSITION TO RATEPAYERS.

Opposition to by-laws applied for by ratepayers.

1194. In case any person rated on the assessment roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend, in person or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 29 & 30 V., c. 51, s. 194.

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When by-laws shall not pass.

1195. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law; 29 & 30 V., c. 51, s. 195.

45

PROCEEDINGS WHEN THE ASSENT OF THE ELECTORS IS REQUIRED.

1196. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for; 29 & 30 V., c. 51, s. 196. If by-law requires the assent of the electors.

- 5 1. The council shall by the by-law fix the day, hour and place for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for; 29 & 30 V., c. 51, s. 196, sub-s. 1. Time and place of voting shall be fixed by by-law;
- 15 2. The council shall, for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the municipality, or if there is no such newspaper, in some newspaper, in the nearest place in which a newspaper is published, and also put up a copy of the by-law at four or more of the most public places in the municipality; 29 & 30 V., c. 51, s. 196 sub-s. 2. proposed by-law to be published;
- 20 3. Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication, in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors; 29 & 30 V., c. 51, s. 196, sub-s. 3. notice to be given;
- 25 4. At such day and hour a poll shall be taken and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a municipal election; 29 & 30 V., c. 51, s. 196, sub-s. 4. poll;
- 35 5. Every returning officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration in writing under his hand thereto annexed to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to the clerk of the county council, every poll-book so delivered to him; 29 & 30 V., c. 51, s. 196, sub-s. 5. verified poll book to be returned;
- 40 6. The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll books among the records of his office; 29 & 30 V., c. 51, s. 196, sub-s. 6. clerk to sum up and declare result.
- 45

WHAT FREEHOLDER MAY VOTE ON A BY-LAW.

1197. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or a naturalized subject of Her Majesty What ratepayer only shall vote as by law for incurring a debt not

payable in the
current year.

and has neither directly nor indirectly received, nor is in expectation of receiving any reward or gift for the vote which he tenders; and is at the time of tender of the vote a freeholder, either at law or in equity, in his own right, or in right of his wife, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named in the list of electors. 29 & 30 V., c. 51, s. 196, sub-s. 7.

WHAT LEASEHOLDER MAY VOTE ON A BY-LAW.

What house-
holder may
vote on a by-
law.

1198. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken, for one month next before the vote, and who is, or whose wife is, a leaseholder within such municipality, which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the list of electors. 29 & 30 V., c. 51, s. 196, sub-s. 8, and ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 10, 46, 47.

OATH BY FREEHOLDER ON A BY-LAW.

Oath by free-
holder on a
by-law.

1199. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own right (or in right of his wife, as the case may require), within the municipality for which the vote is taken; that he has not voted before on the by-law in the ward in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors: and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, ss. 196, 77, 101, sub-s. 8; 31 V., c. 30, s. 47. See also 31 V., c. 30, ss. 9, 46, and ss. of this Act.

OATH BY A LEASEHOLDER ON A BY-LAW.

Oath by lease-
holder on a
by-law.

1200. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next

before the vote ; that he (or his wife, as the case may require), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the 5 ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes ; that he has not before voted on the by-law in the ward (as the case may be) in which he is voting ; that he is, according to law, entitled to vote on the said by-law ; that he has not directly or indirectly received 10 any reward or gift, nor does he expect to receive any, for the vote which he tenders ; that he is the person named, or purporting to be named, in the list of electors : and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29 & 30 V., c. 51, s. 196, sub-s. 8, 15 and ss. 77, 101, sub-s. 8. See also 31 V., c. 30, ss. 9, 10, 46, 47, and sections of this Act.

WHEN REQUIRING THE ASSENT OF THE LIEUTENANT-GOVERNOR IN COUNCIL.

1201. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in 20 Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the Treasurer and Clerk thereof, and by such other persons and on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited ; or in case of the death 25 or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Lieutenant-Governor in Council will accept. 29 & 30 V., c. 51, s. 197.

When the assent of the Lieutenant-Governor is required to by-laws.

WHEN AND HOW QUASHED.

1202. In case a resident of a municipality, or any other 30 person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit, that the same was 35 received from the clerk, and that the applicant is resident or interested as aforesaid, the court, after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality, and according to the result of the application, award 40 costs for or against the corporation ; Provided always, that no application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within one year from the passing of such by-law, except in the case of a by-law 45 requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of such electors or ratepayers, and in such case an application to quash such by-law may be made at any time. 29 & 30 V., c. 51, s. 198.

By-laws how to proceed in order to quash.

Provide ; time within which application must be made.

WHEN CONFIRMED BY PROMULGATION.

1203. In case a by-law by which a rate is imposed has been 50 specially promulgated in the manner hereinafter specified, no application to quash the by-law shall be entertained after six

Time after which by-law cannot be quashed, if

properly promulgated. months have elapsed since the promulgation. 29 & 30 V., c. 51, s. 199.

What shall be such promulgation.

1204. Every special promulgation of a by-law within the meaning of this Act shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof. 29 & 30 V., c. 51, s. 200.

And if the by-laws impose any rate.

1205. In the case of a by-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of the by-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the municipality, or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest the municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper. 29 & 30 V., c. 51, s. 201.

Notice to be given.

1206. The notice to be appended to every copy of a by-law for the purpose aforesaid, shall be to the effect following :

Form of such notice.

"NOTICE.—The above is a true copy of a by-law passed by the municipal council of the village of A, in the county of B, on the day of , 18 , and (where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law) approved by the Lieutenant-Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

G. H.,
Village Clerk."

29 & 30 V., c. 51, s. 202.

Notice setting forth the rate and substance of by-law.

1207. The notice setting forth the amount of the rate and giving the substance only of the other parts of the by-law, for the purpose aforesaid, shall be to the effect following :

"Village of A, in the County of B, in Ontario, to wit :

Form of such notice.

Notice is hereby given, that a by-law, intituled (*set out the title*), and numbered (*give the number by which the by-law is designated*), was on the day of , 18 , passed by the municipal council of the village of A, in the County of B, for the purpose of (*here set out in substance the object of the by-law*), as "raising the necessary funds to meet the general public ex-

penses of the village of _____ for the year 18 _____, " or " for the purpose of raising and contracting for a loan of dollars, for making and macadamizing a road from _____ to _____ " (or otherwise, as the case may be), and (where the approval of the Lieutenant-Governor in Council is by law required to give effect to such by-law) approved by the Lieutenant-Governor in Council, on the _____ day of _____, 18 _____; and all persons are hereby required to take notice that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six calendar months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.

G. H.,
Village Clerk."

29 & 30 V., c. 51, s. 203.

1208. In case no application to quash any by-law be made within the time limited for that purpose, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, as far as the same ordains, prescribes, or directs anything within the proper competence of the council to ordain, prescribe, or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 29 & 30 V., c. 51, s. 204.

If not moved against within time limited, to be valid.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

1209. In case a by-law, order, or resolution be illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order, or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order, or resolution. 29 & 30, V., c. 51, s. 205.

Liability of municipality for acts done under a by-law afterwards quashed.

TENDER OF AMENDS BY.

1210. In case the corporation tenders amends to the plaintiff or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29 & 30 V., c. 51, s. 206.

Tender of amends.

OFFENCES AGAINST BY-LAWS.

1211. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law, illegally attempting to repeal such first mentioned by-law, or to alter the same, so as to diminish the amount to be levied under it; 29 & 30 V., c. 51, s. 207.

Certain offences respecting by-laws to be a misdemeanour.

- Jurisdiction to try offences against.** **1212.** In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence. 29 & 30 V., c. 51, s. 208. 5
- Summary proceedings.**
- Evidence.** **1213.** The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit, with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 29 & 30 V., c. 51, s. 209. 10 15
- Penalty and costs.**
- How levied.**
- Commitment in default of distress.** **1214.** In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up-house, for the term or some part thereof, specified in the by-law; 29 & 30 V., c. 51, s. 210. 20
- Fines how applied.** **1215.** When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the corporation, unless the prosecution is brought in the name of the corporation, and in that case the whole of the pecuniary penalty shall be paid to the corporation; 29 & 30 V., c. 51, s. 211. 25 30

DEBENTURES, &c.

HOW TO BE MADE.

- Debentures, bonds, etc., how to be executed.** **1216.** All debentures and other specialties duly authorized to be executed on behalf of the corporation of a municipality, shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law, is properly applied to the payment of the interest and principal of such debentures. 29 & 30 V., c. 51, s. 213. 35 40

TRANSFERABLE BY DELIVERY, &c.

- Debentures transferable by delivery, if payable to bearer.** **1217.** Any debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any municipal corporation, payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 214. 45

1218. Any debenture issued as aforesaid and made payable to any person or order, shall, (after the endorsement thereof in blank, by such person,) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name. 29 & 30 V., c. 51, s. 215.

Or, if endorsed in blank when payable to order.

1219. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading, to describe the plaintiff as the holder of the debenture, (alleging the endorsement in blank, if any), and shortly to state its legal effect and purport, and to make proof accordingly. 29 & 30 V., c. 51, s. 216.

In pleading sufficient to describe plaintiff as holder.

1220. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such a corporation, at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum, is reserved thereby or made payable thereon. 29 & 30 V., c. 51, s. 217.

Full amount recoverable though negotiated at interest exceeding six per cent., or below par.

RESTRICTIONS UPON COUNCILS.

1221. No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void. Provided always, that nothing herein contained, shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enacts that "no council shall act as bankers or issue any bond, bill, note, debenture or other undertaking of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie or to pass as money; and any bond, bill, note, debenture or other undertaking issued in contravention of the said section two hundred and eighteen, shall be void: and that in case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange, any bond, bill, note, debentures or undertaking of any kind, or in any form in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanour: and that no council shall have power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on any person exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling;" 29 & 30 V., c. 51, ss. 218, 219, and 220.

Restrictions upon councils as to banking, issuing bills, etc.

Except as to
any ferry.

1222. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the said Dominion; 29 & 30 V., c. 51, s. 221; see 5 the B. N. A. Act, 1867, s. 91, sub-a. 13.

Contracts by
members with
the corpora-
tion void in
law, if void in
equity.

1223. In case a member of the council of the municipality either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party 10 interested, and which is on that account void in equity, the same contract, purchase, or sale, shall also be held void in any action at law thereon against the corporation; 29 & 30 V., c. 51, s. 222.

COST OF MANDAMUS.

Costs of man-
damus.

1224. Upon any application for a writ of *mandamus* for or 15 against the corporation of the municipality, the courts may, in their discretion, grant and refuse costs. 29 & 30 V., c. 51, s. 223.

EXECUTION AGAINST THE CORPORATION.

Proceedings
on writs of
execution
against muni-
cipalities;

1225. Any writ of execution against the corporation of the municipality, may be endorsed with a direction to the sheriff 20 to levy the amount thereof by rate, and the proceedings thereon, shall then be the following: 29 & 30 V., c. 51, s. 224.

sheriff to de-
liver statement
to Treasurer;

(1.) The sheriff shall deliver a copy of the writ and endorse-
ment to the treasurer, or leave such copy at the office or dwell-
ing house of that officer, with a statement in writing of the 25
sheriff's fees, and of the amount required to satisfy such execu-
tion, including in such amount the interest calculated to some
day as near as is convenient to the day of the service; 29 &
30 V., c. 51, s. 224, sub-a. 1.

if not paid a
rate to be
struck;

(2.) In case the amount with interest thereon from the day 30
mentioned in the statement, be not paid to the sheriff within
one month after the service, the sheriff shall examine the assess-
ment rolls of the corporation, and shall, in like manner as rates
are struck for general municipal purposes, strike a rate suffici-
ent in the dollar to cover the amount due on the execution, with 35
such addition to the same as the sheriff deems sufficient to
cover the interest, his own fees and the collector's per centage,
up to the time when such rate will probably be available; 29
& 30 V., c. 51, s. 224, sub-s. 2.

sheriff's pre-
cept to levy;

(3.) The sheriff shall thereupon issue a precept or precepts un- 40
der his hand and seal of office, directed to the collector or respec-
tive collectors of the corporation, and shall annex to every pre-
cept the roll of such rate, and shall by such precept after recit-
ing the writ, and that the corporation had neglected to satisfy
the same, and referring to the roll annexed to the precept com- 45
mand the collector or collectors within their respective jurisdic-
tions, to levy such rate at the time and in the manner by law
required in respect of the general annual rates; 29 & 30 V., c.
51, s. 224, sub-a. 3.

(4.) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A.R. vs. The Village of " who to collect the rate;

5 (as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required

10 to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage; 29 & 30 V., c. 51, s. 224, sub-s. 4.

(5.) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving surplus;

15 the same, to the treasurer, for the general purposes of the corporation; 29 & 30 V., c. 51, s. 224, sub-s. 5.

(6.) The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions clerk, assessors and collectors to be officers of the court from which writ issues.

20 of this Act, with respect to such executions, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them; 29 & 30 V., c. 51, s. 224,

25 sub-s. 6.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

1226. The council shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no council shall Yearly rates to be levied, sufficient to pay all debts payable within the year.

30 assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; unless and except only in those cases, and as heretofore specially authorized in that behalf: Provided always that nothing herein contained shall be construed to affect so much of the

35 provisions of section two hundred and twenty-five of the Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of her present Majesty, and chaptered fifty-one, which enacts that if in any municipality the aggregate amount of the

40 rates necessary for the payment of the current annual expenses of the municipality, and the interest and principal of the debts contracted by such municipality at the time of passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council

45 of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but should contract no further debts until the annual rates required to be levied within such municipality were reduced within the aggregate rate aforesaid. 29 & 30 V., c. 51, s. 225.

50 **1227.** Every municipality shall have power of exempting any manufacturing establishment from taxation for any period not longer than five years. 33 V., c. 26, s. 15. Exemption of manufacturing from taxation.

BY-LAWS TO CREATE DEBTS, ETC.

By-laws for
creating debt ;

1228. The council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions ; 29 & 30 V., c. 51, s. 226.

terms of, when
to take effect.

(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the by-law shall take effect ; 29 & 30 V., c. 51, s. 226, sub-s. 1.

10

When debt to
be redeemed ;

(2.) If not contracted for gas or water works, or for the purchase of public works, according to this act or other acts relating thereto, the whole of the debt, and the obligations to be issued therefor, shall be made payable in twenty years at furthest, from the day on which such by-law takes effect ; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect ; 29 & 30 V., c. 51, s. 226, sub-s. 2.

20

if for gas
works, etc. ;

to provide a
yearly rate ;

(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest ; 29 & 30 V., c. 51, s. 226, sub-s. 3.

to be sufficient
in amount.

(4.) Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable ; 29 & 30 V., c. 51, s. 226, sub-s. 4.

irrespective of
future increase
of ratable pro-
perty.

(5.) The amount of ratable property shall be ascertained irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof, is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof ; 29 & 30 V., c. 51, s. 226, sub-s. 5.

Recitals in
amount and
object of debt :
The yearly
rule for the
debt ; the
value of the
ratable pro-
perty ;

(6.) The by-law shall recite : (1.) The amount of the debt, which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ; (2.) The total amount required by this Act to be raised annually by special rate, for paying the new debt and interest ; (3.) The amount of the whole ratable property of the municipality, according to the last revised, or revised and equalized assessment rolls ; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately, and how much (if any), interest is in arrears ; and, (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act ; 29 & 30 V., c. 51, s. 226, sub-s. 6.

the yearly rate
for sinking-
fund and interest.

- 1229.** Every by-law (except for drainage as provided for under the section of this Act), for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the section of this Act; 29 & 30 V., c. 51, s. 227.
- To be assented to by the rate-payers; exception for drainage.

PURCHASE OF PUBLIC WORKS.

- 1230.** Any council may contract a debt to Her Majesty, in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or the Dominion of Canada; and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities, shall be valid although no special or other rate per annum has been settled or imposed to be levied in each year, as provided by the three last preceding sections of this Act; 29 & 30 V., c. 51, s. 229; see C. A. 31 25 V., c. 12, ss. 54, 55, 56, 57.
- Municipal councils may purchase public works, and contract debts without imposing a yearly rate as provided in the three last sections.

- (1.) But any council may in any by-law to be passed for the creation of any such debt, or for the executing any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year, upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants, or other securities, or some part thereof, and the by-law shall be valid, although the rate settled or imposed thereby, be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised, or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby; 29 & 30 V., c. 51, s. 229, sub-s. 2.
- Rates may be imposed for the payment of debts contracted with the crown for such works.

- (2.) The council purchasing any claim under chapter seven of the consolidated statutes for Upper Canada, respecting the sale and purchase of claims due to government for moneys advanced to public works, may raise by assessment the sum necessary to pay the consideration agreed upon; 29 & 30 V., c. 51, s. 229, sub-s. 3.
- Purchase of claims due to Government.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

- 1231.** Every council shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund,
- Two special accounts to be

kept : 1st—Of every debt, to be both distinguished from all other accounts the special in the books by some prefix, designating the purpose for which rates ; 2nd— the debt was contracted, and shall keep the said accounts, with Of the sinking the any others that are necessary, so as to exhibit at all times the fund. state of every debt, and the amount of moneys raised, obtained 5 and appropriated for payment thereof; 29 & 30 V., c. 51, s. 230.

When surplus to be carried to the sinking fund account.

1232. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but 10 if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account of such debt; 29 & 30 V., c. 51, s. 231.

HOW SURPLUS TO BE INVESTED.

How surplus to be disposed of.

1233. Every council shall, from time to time, invest in government securities, or otherwise, as the Lieutenant-Governor 15 in council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof as cannot be immediately applied towards paying the debt, by the reason of no part thereof being yet payable; and the council 20 shall apply all interest or dividends received upon such investments to the same purpose as this Act directs, the amount levied by the special rate to be applied, but the Lieutenant-Governor in council, may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sink- 25 ing fund account, or of the special rate account as aforesaid, instead of being so invested as aforesaid, shall, from time to time, as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said council can agree for, of any part of such debt, or of any of the 30 debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed 35 by such order; 29 & 30 V., c. 51, s. 232.

Investment how to be made.

Application of moneys with consent of Lieutenant Governor in Council.

APPROPRIATION OF SURPLUS.

Council may apply other funds towards such debts.

1234. The council may appropriate to the payment of any debt, the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the 40 treasury, or any money raised by additional rate; and any money so appropriated, shall be carried to the credit of the sinking fund of the debt; 29 & 30 V., c. 51, s. 233.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

When part only of a debt has been incurred, the by-law may be repealed *pro tanto*.

1235. When part only of a sum of money provided by a by-law has been raised, the council may repeal the by-law as to 45 any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to

take effect on the thirty-first day of December, in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in council; 29 & 30 V., c. 51, s. 234.

- 1236.** After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate, or additional rate, or appropriating thereto the surplus income of any work, or of any stock or interest therein or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose, any money in the corporation treasury, which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment; 29 & 30 V., c. 51, s. 235.
- By-laws not repealable and appropriation not recoverable till debt paid.

WHEN SPECIAL RATE MAY BE REDUCED.

- 1237.** In case in any particular year, one or more of the following sources of revenue, namely: (1.) The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and (2.) The sum on hand from previous years; and (3.) Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and (4.) Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year, to a sum not less than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised as a special rate; 29 & 30 V., c. 51, s. 236.
- When the rate imposed by by-law may be reduced by by-law.

1238. But the by-law shall not be valid unless it recites:

(1.) The amount of the special rate imposed by the original by-law;

(2.) The balance of such rate for the particular year on hand from former years;

(3.) The surplus income of the work, share or interest therein received for such year; and

(4.) The amount derived for such year from any temporary investment of the sinking fund—

Nor unless the by-law names the reduced amount in the dollar, to be levied under the original by-law—Nor unless the by-law be afterwards approved by the Lieutenant-Governor in council; 29 & 30 V., c. 51, s. 237.

Reduced rate to be named.

ANTICIPATORY APPROPRIATIONS.

Anticipatory
appropriations
may be made.

1239. In case any council desires to make an anticipatory appropriation for the next ensuing year, in lieu of the special rate for such year, in respect to any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following; 29 & 30 V., c. 51, s. 238. 5

What funds
may be so ap-
propriated.

(1.) The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year fol- 10
lowing that in which the anticipatory appropriation is made:

(b.) And of any money raised for the purpose aforesaid, by additional rate or otherwise:

(c.) And of any money derived from any temporary invest- 15
ment of the sinking fund;

(d.) And of any surplus money derived from any corporation work or any share or interest therein;

(e.) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appro- 20
priated; 29 & 30 V., c. 51, s. 238, sub-s. 1.

The sources to
be distinguish-
ed.

(2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year; 29 & 30 25
V., c. 51, s. 238, sub-s. 2.

When suffi-
cient the yearly
rate may be
suspended for
the future
year.

(3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law 30
directing that the original rate for such next ensuing year be not levied; 29 & 30 V., c. 51, s. 238, sub-s. 3.

By-law must
recite:

1240. The by-law shall not be valid unless it recites:

The original
debt;

(1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created; 29 & 30 35
V., c. 56, s. 239, sub-s. 1.

the amount
paid;

(2.) The amount, if any, already paid of the debt; 29 & 30
V., c. 51, s. 239, sub-s. 2.

the amount of
sinking fund
yearly;

(3.) The annual amount of the sinking fund appropriation required in respect of such debt; 29 & 30 V., c. 51, s. 239, sub-s. 3. 40

the amount in
hand;

(4.) The total amount then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury, from the amount temporarily invested; 29 & 30 V., c. 51, s. 239, sub-s. 4.

(5.) The amount required to meet the interest of the debt, the amount required for next year's interest ; for the year next after the making of such anticipatory appropriation ; 29 & 30 V., c. 51, s. 239, sub-a. 5.

(6.) That the council has retained at the credit of the special and that it is reserved ; rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it,) and that the council has carried to the credit of the sinking fund account, a sum sufficient to meet the sinking fund appropriation (naming the amount of it), for such year ; 29 & 30 V., c. 51, s. 239, sub-a. 6.

10 (7.) No such by-law shall be valid unless approved by the by-law to be approved by Lieutenant-Governor. Lieutenant-Governor in council ; 29 & 30 V., c. 51, s. 239, sub-a. 7.

REPORT OF DEBTS TO BE MADE YEARLY.

1241. Every council shall, on or before the thirty-first day of January, in each year, transmit to the Lieutenant-Governor, Every council to make a yearly report of the state of the debts to the Governor, etc. through the Secretary and Registrar of the Province, on account of the several debts of the corporation, as they stood on the thirty-first of December preceding, specifying in regard to every debt of which a balance remained due at that day ; 29 & 30 V., c. 51, s. 241.

20 (1.) The original amount of the debt ; What such report must show.
 (2.) The date when it was contracted ;
 (3.) The days fixed for its payment ;
 (4.) The interest to be paid therefor ;

(5.) The rate provided for the redemption of the debt and 25 interest ;

(6.) The proceeds of such rate for the year ending on such thirty-first day of December ;

(7.) The portion (if any) redeemed of the debt during such year ;

30 (8.) The amount of interest (if any) unpaid on such last mentioned day ; and

(9.) The balance still due of the principal of the debt.

1242. The form of the account may from time to time be The Lieutenant-Governor may prescribe a form of account. prescribed by the Lieutenant-Governor in council. 29 & 30 V., c. 51, s. 242.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

1243. In case one-third of the members of any council petition for a commission to issue under the great seal, to inquire into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Lieutenant- When a commission of inquiry may issue. Governor in council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of

them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases. 29 & 30 V., c. 51, s. 243.

Expenses of
such commis-
sions provided
for.

1244. The expenses to be allowed for executing the commis- 5
sion shall be determined and certified by the Secretary and Re-
gistrar of the province, or his deputy, and shall become thence-
forth a debt due to the commissioner or commissioners by the
corporation, and shall be payable within three months after
demand thereof made by the commissioner, or by any one of 10
the commissioners, at the office of the treasurer of the corpora-
tion. 29 & 30 V., c. 51, s. 244.

BY-LAWS.

POWER TO PASS BY-LAWS.

Council may
make by-laws.

1245. The council may pass by-laws. 29 & 30 V., c. 51, a.
246.

OBTAINING PROPERTY.

For obtaining
property real
and personal,
etc.

(1.) For obtaining such real and personal property as may be 15
required for the use of the corporation, and for erecting, im-
proving and maintaining a hall, and any other houses and build-
ings required by and being upon the land of the corporation,
and for disposing of such property when no longer required ;
29 & 30 V., c. 51, s. 246, sub-sec. 1. 20

APPOINTING CERTAIN OFFICERS.

(2.) For appointing such,—
Pound-keepers,
Fence-viewers,
Overseers of Highways,

Road Surveyors,
Road Commissioners,
Valuators ;

—29 & 30 V., c. 51, s. 246, sub-s. 2. 25

To appoint
officers ;

And such other officers as are necessary in the affairs of
the corporation, or for carrying into effect the provisions of any
Act of the Legislature, or for the removal of such officers ; but
nothing in this Act shall prevent any member of a corporation
from acting as commissioner, superintendent or overseer, over 30
any road or work undertaken and carried on, in part or in
whole, at the expense of the municipality ; and it shall be law-
ful for said municipality to pay any such member of the cor-
poration acting as such commissioner, superintendent or over-
seer, in the same manner as councillors are paid ; and all pay- 35
ments before the fourth day of March, in the year one thous-
and eight hundred and sixty-eight, made by any municipality
to any commissioner, superintendent or overseer, acting as such,
are hereby declared to be legal, but this section shall not in any
way affect any judgment theretofore obtained, or any suit or 40
proceeding theretofore commenced ; 31 V., c. 30, s. 25.

to fix fees and
securities ;

(3.) For regulating the remuneration, fees, charges, and duties
of such officers, and the securities to be given for the perform-
ance of such duties ; 29 & 30 V., c. 51, s. 246, sub-s. 3.

AIDING AGRICULTURAL AND OTHER SOCIETIES.

- (4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the Municipality ; 29 & 30 V., c. 51, s. 246, sub-s. 4. for aiding agricultural societies ;

CENSUS.

- (5.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality ; 29 & 30 V., c. 51, s. 246, sub-s. 5. for taking a census.

FINES AND PENALTIES.

- 10 (6.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,— Fines and penalties for neglect of duty.
- (a.) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof ; and
- (b.) For breach of any of the by-laws of the corporation ; 29 & 30 V., c. 51, s. 246, sub-s. 6.
- (7.) For collecting such penalties by distress and sale of the goods and chattels of the offender ; 29 & 30 V., c. 51, s. 246, sub-s. 7. Levying penalties by distress.
- (8.) For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house or in the common gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied ; provided that for the suppression of houses of ill-fame the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid ; 29 & 30 V., c. 51, s. 245, sub-s. 8. Imprisonment when allowed, and time of.

BILLIARD TABLES.

- (9.) For licensing, regulating and governing all persons who for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard-table, or who keep or have a billiard table in a house or place of public entertainment or resort, whether such billiard-table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force ; 29 & 30 V., c. 51, s. 264, sub-s. 1. Licensing and regulating billiard tables.

VICTUALLING HOUSE, ETC.

- 40 (10.) For limiting the number of and regulating victualling houses, ordinaries, houses where fruit, oysters, clams or victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public ; 29 & 30 V., c. 51, s. 264, sub-s. 2. Victualling houses ; number and regulation of.

License and
as for same.

(11.) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding twenty dollars; 29 & 30 V., c. 51, s. 264, sub-s. 3.

PUBLIC HEALTH.

Members of
council to be
health officers.

1246. The members of every council shall be health officers within their respective municipalities, under the Consolidated Statutes of Upper Canada, respecting the public health, and under any Act passed after this Act takes effect, or after the passing of the Act passed in the session, held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, for the like purpose; but any council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best; 29 & 30 V., c. 51, s. 248.

LAND MARKS AND BOUNDARIES.

Placing land
marks and
monuments to
mark bound-
aries;

Con. stat. U.
C., c. 93.

1247. In case the council adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range, or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada, respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey, shall accordingly plant stone or other durable monuments, at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein, (as the case may be), and the limits of each lot so-ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 29 & 30 V., c. 51, s. 268.

Council may
pass by-laws.

1248. The council may also pass by-laws; 29 & 30 V., c. 51, s. 269.

PROVISIONS FOR ESTABLISHING BOUNDARIES.

Ascertaining
and marking
boundaries of
townships;

(1.) For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same; 29 & 30 V., c. 51, s. 269, sub-s. 1.

SCHOOLS.

acquiring land
for schools,
etc.;

(2.) For obtaining such real property as may be required for the erection of common school houses thereon and for other common school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of common schools according to law; 29 & 30 V., c. 51, s. 269, sub-s. 2.

CEMETERIES

- (3.) For accepting or purchasing land for public cemeteries, for establishing cemeteries ; as well within as without the municipality, and for laying out, improving and managing the same ; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose ; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be part of the municipality to which it formerly belonged ; and such by-law shall not be repealed ;
 5
 10 29 & 30 V., c. 51, s. 269, sub-a. 3.

(4.) For selling or leasing portions of such land for the purpose for selling portions thereof on limited terms ; of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held ; 29 & 30 V., c. 51, s. 269, sub-a. 4.

CRUELTY TO ANIMALS.

- 15 (5.) For preventing cruelty to animals ; and for preventing the destruction of birds, the by-laws for these purposes not for preventing cruelty to animals. being inconsistent with any statute in that behalf ; 29 & 30 V., c. 51, s. 269, sub-a. 5.

DOGS.

- (6.) For imposing a tax on the owners, possessors or har- Tax on dogs. boursers of dogs ; 29 & 30 V., c. 51, s. 269, sub-a. 6.

(7.) For killing dogs running at large contrary to the by-laws ; Killing dogs 29 & 30 V., c. 51, s. 269, sub-a. 7.

FENCES.

- (8.) For settling the height and description of lawful fences ; Height and kind of fences. 29 & 30 V., c. 51, s. 269, sub-a. 8.

DIVISION FENCES.

- 25 (9.) For regulating the height, extent and description of law- Of division fences. ful division fences ; and for determining how the cost thereof shall be apportioned ; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act ;
 30 but until such by-laws be made, the Act respecting line fences and water-courses, shall continue applicable to the municipality ; 29 & 30 V., c. 51, s. 269, sub-a. 9.

WEEDS.

- (10.) For preventing the growth of weeds detrimental to Destruction of weeds. good husbandry ; 29 & 30 V., c. 51, s. 269, sub-a. 10.

EXHIBITIONS, SHOWS, &c.

- 35 (11.) For preventing or regulating and licensing exhibitions Licensing public shows of wax work, menageries, circus-riding and other such like shows usually exhibited by showmen, and for requiring the payment of license fees for authorizing the same, not exceeding

- Fines for infraction.** one hundred dollars for every such license, and for imposing fines upon persons infringing such by-laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibitions whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month; Provided always, that it shall not be lawful for the council to grant licenses or license certificates to persons having exhibitions of any work or circus, riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares or merchandize of whatever description, for gain, on the days of the exhibition of the Agricultural Association of Upper Canada, or of any county, electoral division, or township agricultural society, either on the grounds of such society, or within the distance of three hundred yards from such grounds; 29 & 30 V., c. 51, s. 269, sub-s. 11. 5
- Proviso;**
Licenses not to be granted for certain times and places.

GRAVES.

- Protecting graves.** (12.) For preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred; 29 & 30 V., c. 51, s. 269, sub-s. 12.

INJURIES TO PUBLIC AND PRIVATE PROPERTY AND NOTICES.

- Ornamental trees.** (13.) For preventing the injuring or destroying of trees planted or preserved for shade or ornament; 29 & 30 V., c. 51, s. 269, sub-s. 13. 20
- Signs.** (14.) For preventing the pulling down or defacing of sign-boards, and of printed or written notices; 29 & 30 V., c. 51, s. 269, sub-s. 14. 25
- Dirt, filth, etc.** (15.) For preventing persons from throwing dirt, filth, carcasses of animals or rubbish on any street, road, lane or highway; 31 V., c. 30, s. 36.

GAS AND WATER.

- Authorizing gas and water companies to lay down pipes, etc.** (16.) For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit; 29 & 30 V., c. 51, s. 269, sub-s. 15. 30

STOCK IN.

- Taking stock in gas and water companies.** (17.) For acquiring stock in, or lending money to, any such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; Provided the by-law is consented to by the electors, as hereinbefore provided; 29 & 30 V., c. 51, s. 269. sub-s. 16. 35
- Proviso.**

- Head of corporation to be a director.** **1249.** The head of any corporation under this Act holding stock in any such company, to the amount of ten thousand dollars, shall be *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors; 29 & 30 V., c. 51, s. 270. 40

INVESTMENT OF MONEYS.

1250. From and after the passing of this Act, any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source shall have power, by by-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other money held by such municipal corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Government of the Dominion of Canada, or in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities, or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; Provided always, that no municipal corporation shall invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested; 29 & 30 V., c. 51, s. 272; 31 V., c. 30, s. 27 & 32 20 V., c. 43, s. 21.

Appropriation of certain moneys for education.

Investment.

Proviso; as to investments.

1251. And whereas several municipalities have, prior to the first day of January, in the year one thousand eight hundred and sixty-seven, invested moneys derived from the said fund, and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid; 29 & 30 V., c. 51, s. 273.

Investments already made, legalized.

1252. Any corporation under this Act, having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power by by-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law; 29 & 30 33 V., c. 51, s. 275.

Loans to boards of school trustees by municipalities.

1253. Any board of school trustees may, with the consent of the freeholders and householders of their school section, first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any such corporation, of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site, or school sites, or erecting a school house or school houses; and any sum or sums so borrowed, shall be applied to that purpose, and to that only; 29 & 30 V., c. 51, s. 276.

Board of school trustees may borrow such moneys.

1254. Any member of any such municipal corporation or board of school trustees, who shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by this Act, or by the eleventh section of the Act respecting clergy reserves, or by any other law in that behalf made and provided shall be held personally liable for any loss sustained by such corporation, and he is hereby forbidden under penalty of being deemed guilty of a mis-

Liability of members of corporation of school trustees, in vesting otherwise than authorized by this Act.

demeanor from taking any such part or being any such party as aforesaid. 29 & 30 V., c. 51, s. 277.

Dividing incor- 1255. The council of every incorporated village may by by-
porated vil- law divide the same into two or more electoral divisions, and
lages into elec- may from time to time repeal or vary the same. 29 & 30 V., 5
toral divisions. c. 51, s. 278.

Council make 1256. Every council of an incorporated village may also
by-laws. make by-laws :

For relief of 1. For raising money by a rate to be assessed equally on the
the poor. whole ratable property of the township, for the support of the 10
poor resident in the township, or appropriating from the gen-
eral funds of the municipality a sum for such purpose. 29 &
30 V., c. 51, s. 279, and 31 V., c. 30, s. 28.

HARBOURS, DOCKS, ETC.

For the clean- 2. For regulating or preventing the encumbering, injuring,
liness of or fouling by animals, vehicles, vessels or other means, of any 15
wharves, public wharf, dock, slip, drain, sewer, shore, bay, harbour, river
docks, etc. or water ; 29 & 30 V., c. 51, s. 296, sub-s. 1.

For removal 3. For directing the removal of door steps, porches, rail-
of door steps, ings, or other erections, or obstructions projecting into or over
etc. any wharf, dock, slip, drain, sewer, bay, harbour, river or water, 20
or the banks or shores thereof, at the expense of the proprie-
tor or occupant of the property, conncted with which such
projections are found ; 29 & 30 V., c. 51, s. 296, sub-s. 2.

Wharves, 4. For making, opening, preserving, altering, improving and
docks, etc. maintaining, public wharves, docks, slips, shores, bays, har- 25
bours, rivers or waters, and the banks thereof ; 29 & 30 V., c.
51, s. 296, sub-s. 3.

For regulating 5. For regulating harbours ; for preventing the filling up or
harbors, etc. encumbering thereof ; for erecting and maintaining the neces-
sary beacons, and for erecting and renting wharves, piers, and 30
docks therein, and also floating elevators, derricks, cranes and
other machinery suitable for loading, discharging or repairing
vessels ; for regulating the vessels, crafts and rafts arriving in
any harbour ; and for imposing and collecting such reasonable
harbour dues thereon, as may serve to keep the harbour in good 35
order, and to pay a harbour master ; 29 & 30 V., c. 51, s. 296,
sub-s. 4.

WATER.

For supplying 6. For establishing, protecting and regulating public wells,
water, etc. reservoirs and other conveniences for the supply of water, and
for making reasonable charges for the use thereof, and for pre- 40
venting the wasting and fouling of public water ; 29 & 30 V.,
c. 51, s. 296, sub-s. 5.

MARKETS.

Markets. 7. For establishing markets ; 29 & 30 V., c. 51, s. 296,
sub-s. 6.

For regulating 8. For regulating all markets established, and to be estab- 45
markets ; lished ; the places however already established as markets in

- such municipality, shall continue to be markets, and shall retain all the privileges thereof, until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality, shall continue to be vested in the corporation thereof; 29 & 30 V., c. 51, s. 296, sub-a. 7. old markets continued;
- (9.) For preventing or regulating the sale by retail in the public streets or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruits, beverages, small ware, and all other articles offered for sale; 33 V., c. 26, s. 5. regulating vending in streets;
- (10.) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed; 29 & 30 V., c. 51, s. 296, sub-a. 9. Vending in open air.
- (11.) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware and all other articles exposed for sale; and the fees to be paid therefor; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets, and vacant lots adjacent thereto; 33 V., c. 26, s. 6. sale of butcher's meat, etc.;
- (12.) For preventing the forestalling, regrating or monopoly of market grains, meat, fish, fruits, roots, vegetables, poultry, and dairy products, eggs and all articles required for family use and such as are usually sold in the market; 29 & 30 V., c. 51, s. 296, sub-a. 11 & 31 V., c. 30, s. 32. preventing forestalling;
- (13.) For preventing and regulating the purchase of such things by hucksters, butchers or runners living within the municipality, or within one mile from the outer limits thereof; 29 & 30 V., c. 51, s. 296, sub-a. 12 & 31 V., c. 30, s. 32. regulating hucksters;
- (14.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; 29 & 30 V., c. 51, s. 296, sub-a. 13. measuring, weighing, etc.;
- (15.) For imposing penalties for light weight or short count, or short measurement in anything marketed; 29 & 30 V., c. 51, s. 296, sub-a. 14. penalties for light weight;
- (16.) For regulating all vehicles, vessels and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon and establishing the mode in which it shall be paid; 29 & 30 V., c. 51, s. 296, sub-a. 15. regulating vehicles used in market vending;
- (17.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; 29 & 30 V., c. 51, s. 296, sub-a. 16. assize of bread, etc.;
- (18.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; 29 & 30 V., c. 51, s. 296, sub-a. 17. tainted provisions, etc.;
- (19.) For selling after six hours' notice, butcher's meat dis-trained for rent of market-stalls; 29 & 30 V., c. 51, s. 296, sub-a. 18. rent of market stalls.

NUISANCES.

- Bathing.** (20.) For preventing or regulating the bathing or washing the person in any public water in or near the municipality; 29 & 30 V., c. 51, s. 296, sub-s. 19.
- Abatement of nuisances.** (21.) For preventing and abating public nuisances; 29 & 30 V., c. 51, s. 296, sub-s. 20. 5
- Privy vaults.** (22.) For preventing or regulating the construction of privy vaults; 29 & 30 V., c. 51, s. 296, sub-s. 21.
- Vacant lots.** (23.) For causing vacant lots to be properly enclosed; 29 & 30 V., c. 51, s. 296, sub-s. 22.
- Slaughter houses, etc.** (24.) For preventing or regulating the erection or continu- 10
ance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; 29 & 30 V., c. 51, s. 296, sub-s. 23.
- Tumultuous noises.** (25.) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; 15
29 & 30 V., c. 51, s. 296, sub-s. 24.
- Firing guns, etc.** (26.) For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; 29 & 30 V., c. 51, s. 296, sub-s. 20
25.
- Furious driving.** (27.) For preventing immoderate riding or driving in high-
ways or streets; for preventing the leading, riding or driving of horses or cattle upon side walks or other places not proper therefor; 29 & 30 V., c. 51, s. 296, sub-s. 26. 25
- Importuning travellers.** (28.) For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; 29 & 30 V., c. 51, s. 296, sub-s. 27.

PUBLIC HEALTH.

- Public health.** (29.) For providing for the health of the municipality, and 30
against the spreading of contagious or infectious diseases; 29
& 30 V., c. 51, s. 296, sub-s. 28.

INTERMENTS.

- Interments.** (30.) For regulating the interment of the dead, and for pre-
venting the same taking place within the municipality; 29 & 30 V., c. 51, s. 296, sub-s. 29. 35
- Bills of mortality.** (31.) For directing the keeping and returning of bills of
mortality; and for imposing penalties on persons guilty of default; 29 & 30 V., c. 51, s. 296, sub-s. 30.

LICENSES.

- Licensing cabs, etc.** (32.) For regulating and licensing the owners of livery sta-
bles and of horses, cabs, carriages, omnibuses, and other vehi- 40

cles used for hire ; for establishing the rates of fare to be taken by the owners or drivers, and for enforcing payment thereof ; 29 & 30 V., c. 51, s. 296, sub-s. 31.

GUNPOWDER.

- (33.) For regulating the keeping and transporting of gun- Gunpowder, powder and other combustible or dangerous materials ; for care of. regulating, and providing for the support by fees, of magazines for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor ; 29 & 30 V., c. 51, s. 296, sub-s. 32.

FIRES.

- (34.) For appointing fire wardens, fire engineers, and firemen, Fire compan- and promoting, establishing, and regulating fire companies, ies, etc. hook-and-ladder companies, and property-saving companies ; 29 & 30 V., c. 51, s. 296, sub-s. 33.

- (35.) For providing medals or rewards for persons who dis- Medals and tinguish themselves at fires ; and for granting pecuniary aid, rewards to, etc. or otherwise assisting the widows and orphans of persons who are killed by accident at such fires ; 29 & 30 V., c. 51, s. 296, sub-s. 34.

- (36.) For preventing or regulating the use of fire or lights in Fire in stables, stables, cabinet makers shops, carpenters' shops, and combustible etc. places : 29 & 30 V., c. 51, s. 296, sub-s. 35.

- (37.) For preventing or regulating the carrying on of manu- Dangerous factories or trades dangerous in causing or promoting fire ; 29 manufactur- & 30 V., c. 51, s. 296, sub-s. 36.

- (38.) For preventing, and for removing, or regulating the Stoves, chim- construction of any chimney, flue, fire-place, stove, oven, boiler, nias, etc. or other apparatus or thing which may be dangerous in causing or promoting fire ; 29 & 30 V., c. 51, s. 296, sub-s. 37.

- (39.) For regulating the construction of chimneys as to dimen- Size and clean- sions and otherwise, and for enforcing the proper cleaning of ing chimneys, etc. the same ; 29 & 30 V., c. 51, s. 296, sub-s. 38.

- (40.) For regulating the mode of removal and safe keeping of Ashes. ashes ; 29 & 30 V., c. 51, s. 296, sub-s. 39.

- (41.) For regulating and enforcing the erection of party walls ; Party walls. 29 & 30 V., c. 51, s. 296, sub-s. 40.

- 40 (42.) For compelling the owners and occupants of houses to Ladders to have scuttles in the roofs thereof, and stairs or ladders leading houses. to the same ; 29 & 30 V., c. 51, s. 296, sub-s. 41.

- (43.) For causing buildings and yards to be put in other res- Buildings and pects into a safe condition to guard against fire or other dan- yards ; condi- gerous risk or accident ; 29 & 30 V., c. 51, s. 296, sub-s. 42. tion of.

- (44.) For requiring the inhabitants to provide so many fire Fire buckets.

buckets in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; 29 & 30 V., c. 51, s. 296, sub-s. 43.

Inspection of premises.

(45.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; 29 & 30 V., c. 51, s. 296, sub-s. 44.

Suppression of fires.

(46.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections when necessary to prevent the spreading of fire; 29 & 30 V., c. 51, s. 296, sub-s. 45.

Enforcing assistance at fires.

(47.) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; 29 & 30 V., c. 51, s. 296, sub-s. 46.

SNOW, ICE, AND DIRT.

Removal of snow, etc.

(48.) For compelling persons to remove the snow, ice, and dirt from the roofs of the premises owned or occupied by them, and from the sidewalks, street or alley, in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default; 29 & 30 V., c. 51, s. 296, sub-s. 47, and 31 V., c. 30, s. 34.

NUMBERING HOUSES AND LOTS.

Numbering houses, etc.

(49.) For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; 29 & 30 V., c. 51, s. 296, sub-s. 48.

Record of streets, numbers, boundaries.

(50.) For keeping (and every council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every council is hereby requested to enter thereon, a division of the streets with boundaries and distances for public inspection; 29 & 30 V. c. 51, s. 296, sub-s. 49.

DRAINAGE.

Ascertaining levels.

(51.) For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws; 29 & 30 V., c. 51, s. 296, sub-s. 50.

Block plans of buildings;

(52.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building with the levels of the cellars and basements thereof with reference to a line fixed by the by-law; 29 & 30 V., c. 51, s. 296, sub-s. 51.

cellars, sinks, etc.;

(53.) For regulating the construction of cellars, sinks, water-

closets, privies and privy-vaults, and the manner of draining the same; 29 & 30, V., c. 51, s. 296, sub-s. 52.

- (54.) For compelling and regulating the filling-up, draining, clearing, altering, relaying and repairing of any grounds, yards, filling in hollow places, drains, etc.;
 5 vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds, or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the council on their default; 29 & 30, V., c. 51, s. 296,
 10 sub-s. 53.

(55.) For making any other regulations for sewerage or sewerage and drainage;
 drainage that may be deemed necessary for sanitary purposes; 29 & 30, V., c. 51, s. 296, sub-s. 54.

- (56.) For charging all persons who own or occupy property charging rent for sewerage;
 15 which is drained into a common sewer or which by any by-law of the council is required to be drained into such sewer with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid; 29 & 30, V., c. 51, s. 296, sub-s. 55.

- 20 (57.) For licensing, regulating and governing transient traders, and other persons who occupy places of business in the village for periods less than one year, and whose names have not been duly entered in the assessment roll for the then current year; 33 V., c. 26, s. 7. regulating transient traders.

INSPECTING TRUSTEE.

- 25 **1257.** The trustees of every police village, or any two of such trustees shall, by a writing under their hands to be filed with the clerk of the township, or one of the townships in which the village is situate, appoint one of their number to be inspecting trustee. 29 & 30 V., c. 51, s. 308. Appointment of inspecting trustees.
 30 **1258.** In case of any vacancy in the office of a police trustee, by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 29 & 30 V., c. 51, s. 309. Filling vacancies.

NEGLECT OF DUTY BY TRUSTEES.

- 35 **1259.** Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of Police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by
 40 this Act, shall incur a penalty of five dollars. 29 & 30 V., c. 51, s. 310. Penalty for breached duty.

- 1260.** The penalties prescribed by the preceding section, or by that for the establishment of regulations of Police, shall be sued for within ten days after the offence has been committed
 45 or has ceased, and not subsequently. 29 & 30 V., c. 51, s. 311. Limitation of prosecutions for.

TRUSTEES TO SUE FOR PENALTIES.

- 1261.** The inspecting trustee or in his absence or when he Who to sue for penalties;

is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a justice of the peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be none such, then before any justice of the peace having jurisdiction in the village; and the justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and shall cause the penalty to be levied by distress and sale of the goods of the offender, and to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. 29 & 30 V., c. 51, s. 312.

PUBLIC HEALTH.

1262. The trustees of every police village shall be health officers within the police village, under the Consolidated Statute for Upper Canada, respecting public health, and under any other Act that may be passed for the like purpose. 29 & 30 V., c. 20 51, s. 313.

POLICE VILLAGE REGULATIONS.

1263. The trustees of every police village shall execute and enforce therein the regulations following: 29 & 30 V. c. 51, s. 314.

FIRE.

(1.) Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues; 29 & 30 25 V. c. 51, s. 314, sub-s. 1.

(2.) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient; 29 & 30 V. c. 51, s. 314, sub-s. 2. 35

(3.) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance; 29 & 30 V., c. 51, s. 314, 40 sub-s. 3.

(4.) No person shall pass a stove pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood work, under a penalty of two dollars; 29 & 30 V., c. 51, s. 314, sub-s. 4. 45

(5.) No person shall enter a mill, barn, outhouse or stable,

with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, or with fire not properly secured, under a penalty of one dollar; 29 & 30 V., c. 51, s. 314, sub-s. 5.

- 5 (6.) No person shall light or have a fire in a wooden house or outhouse unless such fire is in a brick or stone chimney, or in a stove or iron or other metal, properly secured, under a penalty of one dollar; 29 & 30 V., c. 51, s. 314, sub-s. 6. Chimnies.

- 10 (7.) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence; 29 & 30 V., c. 51, s. 314, sub-s. 7. Securing fire carried through streets, etc.

- 15 (8.) No person shall light a fire in a street, lane or public place, under a penalty of one dollar; 29 & 30 V., c. 51, s. 314, sub-s. 8. Fire in streets

- 20 (9.) No person shall place hay, straw or fodder, or cause the same to be placed in a dwelling house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there; 29 & 30 V., c. 51, s. 314, sub-s. 9. Hay straw, etc.

- 25 (10.) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar; 29 & 30 V., c. 51, s. 314, sub-s. 10. Ashes, etc.

- 30 (11.) No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire; 29 & 30 V., c. 51, s. 314, sub-s. 11. Lime.

- 35 (12.) No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars; 29 & 30 V., c. 51, s. 314, sub-s. 12. Charcoal furnaces.

GUNPOWDER.

- (13.) No person shall keep or have gunpowder for sale except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence; 29 & 30 V., c. 51, s. 314, sub-s. 13. Gunpowder.

- (14.) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence; 29 & 30 V., c. 51, s. 314, sub-s. 14. Gunpowder.

SUBSTANCES.

- (15.) No person shall throw or cause to be thrown any filth Certain sub-

ances prohibit- or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same, after being notified to do so by the inspecting trustee, or some other person authorized by him; 29 & 30 V., c. 51, s. 314, sub-s. 15. 5

ROADS, BRIDGES, DRAINS, WATER-COURSES.

WHAT CONSTITUTE HIGHWAYS.

What shall constitute highways.

1261. All allowances made for roads by the Crown Surveyors in any town, township or place already laid out, or hereafter laid out, and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, as existing before the Act of Union with Lower Canada, or any roads whereon the public money has been expended for opening the same, or whereon the statute labor hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law 15 29 & 30 V., c. 51, s. 315.

HIGHWAYS VESTED IN THE CROWN.

Highways, etc., vested in the crown.

1262. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in her Majesty, her heirs and successors. 20 29 & 30 V., c. 51, s. 316.

JURISDICTION OF MUNICIPALITIES.

Jurisdiction of municipal councils.

1263. Subject to the exceptions and provisions hereinafter contained, every council shall have jurisdiction over the original allowances for roads highways and bridges within the municipality. 29 & 30 V., c. 51, s. 317.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

Roads under boards of works not to be interfered with.

1264. No council shall interfere with any public road or bridge vested, as a provincial work in Her Majesty, or in any Public Department or Board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 25 30 35 29 & 30 V., c. 51, s. 318.

ROADS ON ORDNANCE LANDS.

Nor ordnance roads, lands, etc.

1265. No council shall pass any by-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or 40

- the principal Secretary of State in whom the Ordnance estates are vested under the Statute of the late Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter 5 twenty-four, respecting the Ordnance and admiralty lands transferred to the Province; or (2) for opening any such communication through land held by the said principal Secretary of State; or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the said Secretary of State; or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without a written consent signed by the principal officer of the War Department, acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such principal officer and to be acting under such authority; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent, authority and certificate 29 & 30 V., c. 51, s. 319.
- Unless sanctioned by the chief engineer.

WHAT ROADS NOT TO BE CLOSED.

- 20 **1266.** No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter or General Sessions, or any municipal corporation, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same. 29 & 30 V., c. 51, s. 320.
- Council not to close road required by individuals for egress, etc.

NOT TO ENCROACH UPON HOUSES, &c.

- 1267.** No council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner. 29 & 30 V., c. 51 s. 321.
- Nor to encroach upon houses, etc.

WIDTH OF ROADS.

- 1268.** No council shall lay out any road or lane more than ninety or less than thirty feet in width; but any road, when altered, may be of the same width as formerly. 29 & 30 V., c. 51, s. 322.
- Width of roads.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

- 35 **1269.** No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street, or lane: 29 & 30 V., c. 51, s. 323.
- What notice to be given of.
- 40 (1.) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street, or other highway, road street or lane. 29 & 30 V., c. 51, s. 323, sub-s. 1.
- Publication
- 45 (2.) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municip-
- The same :

pality ; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality ; 29 & 30 V., c. 51, s. 323, sub-s. 2.

parties to be heard ;

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ; 29 & 30 V., c. 51, s. 323, sub-s. 3.

clerk to give notice.

(4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices ; 29 & 30 V., c. 51, s. 323, 10 sub-s. 4.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &c.

Power to administer oaths in disputes respecting boundaries.

1270. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 29 & 30 V., c. 51, s. 324.

COMPENSATION FOR LANDS TAKEN.

Owners of land taken to be compensated.

1271. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29 & 30 V., c. 51, s. 325.

TITLES TO LAND OF INFANTS, &c., HOW ACQUIRED.

Title to lands taken.

1272. In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women and others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof : in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29 & 30 V., c. 51, s. 326.

If there be no party who can convey.

When a party has a life interest only.

1273. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the in-

terest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the court of chancery, or other court having equitable jurisdiction in such cases, do in the mean time direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court. 29 & 30 V., c. 51, s. 327.

Sum awarded how to be applied.

1274. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29 & 30 V., c. 51, s. 328.

Charges on the purchase money.

JOINT JURISDICTION OVER ROADS.

1275. In case a road lies wholly or partly between a county, town, city, township or incorporated village, and an adjoining county, or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8.

Joint jurisdiction over certain roads.

1276. No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9.

Both councils must concur in by-laws respecting them.

1277. In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10.

Arbitration if they do not concur.

POWERS OF COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.

1278. The council may also pass by-laws:

Council to pass by-laws.

STATUTE LABOUR.

(1.) For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour. 29 & 30 V., c. 51, s. 332 sub-a 1.

Voluntary commutation of statute labour.

(2.) For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour. 29 & 30 V., c. 51, s. 332 sub-a 2.

Compulsory commutation.

(3.) For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are assessed, or otherwise respectively liable. 29 & 30 V., c. 51, s. 332 sub-a 3.

Fixing number of days' labour.

- Enforcing statute labour.** (4.) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law; 29 & 30 V., c. 51, s. 332, sub-s. 4.
- Regulating the application of labour and commutation money.** (5.) For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. 29 & 30 V., c. 51, s. 332, sub-s. 5.

GENERAL POWERS AS TO ROADS, &c.

- Opening or stopping up roads, etc.** (6.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained. 29 & 30 V., c. 51, s. 333, sub-s. 1. 10

TOLLS.

- To raise money by toll.** (7.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same. 29 & 30 V., c. 51, s. 333, sub-s. 2. 15

FAST DRIVING ON BRIDGES.

- To regulate driving on bridges.** (8.) For regulating the driving and riding on public bridges 29 & 30 V., c. 51, s. 333, sub-s. 3.

PITS AND PRECIPICES.

- To make regulations as to pits, etc.** (9.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers. 29 & 30 V., c. 51, s. 333, sub-s. 4. 20

ROAD ALLOWANCES.

- For preservation of trees, stones, etc.** (10.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road. 29 & 30 V., c. 51, s. 333, sub-s. 5. 25
- When the council may stop up or sell a road allowance.** (11.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. 29 & 30 V., c. 51, s. 333, sub-s. 6. 30

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &c.

- Granting privileges to road or bridge companies.** (12.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regu- 35

lating the manner of making the examinations necessary for the proper exercise of these powers by the council; 29 & 30 V., c. 51, s. 333, sub-s. 7.

TAKING STOCK IN.

- (13.) For taking stock in, or lending money to, any such incorporated road or bridge company, under and subject to the respective statutes in that behalf; 29 & 30 V., c. 51, s. 333, sub-s. 8.

Taking stock in or making loans to such companies.

TOLLS ON, MAY BE GRANTED.

- (14.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair. 29 & 30 V., c. 51, s. 333, sub-s. 9.

Granting right to take tolls when.

TAKING MATERIALS.

- (15.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act. 29 & 30 V., c. 51, s. 333, sub-s. 10.

Searching for and taking materials.

OLD ROAD ALLOWANCES.

1279. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes. 29 & 30 V., c. 51, s. 334.

When a road is substituted for an original allowance.

Conveying of former road allowance

Compensation to party, whose land is taken.

POSSESSION OF ROAD ALLOWANCES.

On a allowance to roads when to be deemed legally possessed till a by-law is passed for opening them.

1280. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29 & 30 V., c. 51, s. 335. 10

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-law for opening, etc., roads, etc., to require notice.

1281. But no such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29 & 30 V., c. 51, s. 336. 15

AID IN MAKING ROADS AND BRIDGES.

By-laws for:

1282. The council may pass by-laws; 29 & 30 V., c. 51, s. 337.

Aiding counties in making roads, etc.

(1.) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality; 29 & 30 V., c. 51, s. 337, sub-s. 1. 20

Joint works with other municipalities.

(2.) For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council; 29 & 30 V., c. 51, s. 337, sub-s. 2. 25

For granting aid to adjoining corporation.

(3.) The council of any municipal corporation may pass by-laws for granting aid to any adjoining municipal corporation in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through any adjoining municipality; 32 V., c. 43, s. 20. 30

For aiding in making roads, bridges, etc.

(4.) The council of every county may pass by-laws for granting to any town, township, or incorporated village in the county, aid by loan or otherwise, towards opening or making any new road or bridge in the town, township, or village, in case where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work; 29 & 30 V., c. 51, s. 344, sub-s. 8. 40

HIGHWAYS.

Streets in villages, how far vested in municipalities.

1283. Every public road, street, bridge or other highway, in an incorporated village, shall be vested in the municipal corporation thereof subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession, or other road within the village taken and held possession of by an individual in lieu of a 45

street road, or highway, laid out by him without compensation therefor. 29 & 30 V., c. 51, s. 338.

- 1084.** Every such road, street, bridge and highway shall be kept in repair by the corporation, and the corporation shall be civilly responsible for all damages sustained by any person by reason of default to keep in repair, but the action must be brought within three months after the damages have been sustained; and this section shall not apply to any road, street, bridge or highway laid out without the consent of the corporation by by-law, until established and assumed by by-law. 29 & 30 V., c. 51, s. 339.
- To be kept in repair by corporation on pain of damages.

LOCAL IMPROVEMENTS OF STREETS.

1285. The council may also pass by-laws for the following purposes :

- (1.) For assessing and collecting from the proprietors of real property, immediately benefited by making or repairing any pavement in any public way or place near to such property such sums as may be necessary for so making or repairing the same. 29 & 30 V., c. 51, s. 340, sub-s. 1.
- Local rates for payments.
- (2.) For raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one half of the ratable property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the ratable property therein; but the council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid; 29 & 30 V., c. 51, s. 340, sub-s. 2.
- Lighting, watering and sweeping streets.
- (3.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; 29 & 30 V., c. 51, s. 340, sub-s. 3.
- Preventing obstructions in streets.
- (4.) For directing the removal of door steps, porches, railings or other erections or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found; 29 & 30 V., c. 51, s. 340, sub-s. 4.
- Removal of doorsteps, etc.
- (5.) For surveying, settling and marking the boundary lines of all streets, roads and other public communications, and for giving names thereto and affixing such names at the corners thereof on either public or private property. 29 & 30 V., c. 51, s. 340, sub-s. 5.
- For marking the boundary of and naming streets.

WHEN ROADS IN VILLAGES OR HAMLETS MAY BE SOLD.

- 1286.** In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the council of the township in which the village or hamlet is situated, and in case the petition of such unincorporated village or
- When roads in police villages may be sold by township councils.

hamlet not being a police village, is accompanied by a certificate from the registrar of the county within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, such council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all restrictions with reference to the sale of original allowances. 29 & 30 V., c. 51, s. 346.

When village is partly in each of two townships.

1287. The last section shall apply to a village or hamlet situate in two or more townships whether such townships are in the same or in different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 29 & 30 V., c. 51, s. 347.

REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

By-laws under which roads are opened on private property to be registered as to by-laws already passed.

1288. All by-laws passed by any municipal council, subsequent to the first day of January, in the year of our Lord one thousand eight hundred and sixty-seven, under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same become effectual, unless heretofore registered, pursuant to section three hundred and forty-eight of the Act passed in the session of the parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, be duly registered in the registry office of the county where the land is situate; and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof: and all by-laws heretofore passed, and all orders and resolutions of the quarter or general sessions heretofore passed, under the authority of which any street, road or highway is to be or has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such quarter or general sessions, given under the hand and seal of the clerk of the peace (as the case may be). 29 & 30 V., c. 51, s. 348, & 31 V., c. 20, s. 63.

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

1289. The council may pass by-laws.

By-laws for taking stock in railways or guaranteeing debentures.

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the consolidated statute of Canada respecting railways, numbered seventy-five to seventy-

eight, have been or may be made applicable by any special Act.
29 & 30 V., c. 51, s. 349, sub-a. 1.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them
5 borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted; 29 & 30 V., c. 51, s. 349, sub-s. 2. For guaranteeing the payment of debentures, etc.

(3.) For issuing, for the like purpose, debentures payable at
10 such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the council may think meet; 29 & 30 V., c. 51, s. 349, sub-a. 3. For issuing debentures.

(4.) For directing the manner and form of signing or endorsing
any debenture so issued, endorsed or guaranteed and of counter-
15 signing the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively; but the corporation shall not subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before
20 the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act; 29 & 30 V., c. 51, s. 349, sub-a. 4. Form of.
To be confirmed by public vote.

1290. Any debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the cor-
25 poration without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 29 & 30 V., c. 51, s. 350. Debentures when valid without the corporate seal.

1291. In case the council subscribes for and holds stock
in such company to the amount of twenty thousand dollars
30 or upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 29 & 30 V., c. 51, s. 351. Head, when to be a director.

PROCEEDINGS ON ARBITRATION.

1292. In all cases of arbitration directed by this Act, the pro-
ceedings shall be as follows: 29 & 30 V., c. 51, s. 353. Arbitration.

(1.) Each party shall appoint one arbitrator, and give notice thereof in writing to the other party; and when the other party is a corporation, the notice shall be given to the head of
40 the corporation; 29 & 30 V., c. 51, s. 353, sub-a. 1. Mode of appointing arbitrators and conducting arbitration.

(2.) The two arbitrators appointed by or for the parties shall choose a third arbitrator, and if more than two municipalities are interested, each of them shall appoint an arbitrator, and the award of a majority of them shall be final. In case of an equal-
45 ity of arbitrators, they shall appoint another arbitrator, or in default, at the expiration of thirty days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13. Third arbitrator.

Provision in case of neglect to appoint.

(3.) In case of an arbitration to which the county within which the village is situate is not a party, if for one month after having received such notice, the party notified omits appointing an arbitrator; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit 5 to appoint a third arbitrator, then the warden of such county, or in case such county is a party, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default; 29 & 30 V., c. 51, s. 353, sub-s. 3.

In case of exercise of powers as to roads, drains, etc.

(4.) In case of an arbitration between a municipal corporation 10 and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the 15 council of such corporation of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of such council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers such council 20 intends to exercise with respect to the property (describing it); 29 & 30 V., c. 51, s. 353, sub-s. 4.

If the owner of property fail to name an arbitrator.

(5.) If within one month after service on the owner or owners of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or 25 owners omit naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his 30 or their behalf; 29 & 30 V., c. 51, s. 353, sub-s. 5.

Time for appointing third arbitrator and for award.

(6.) In either of the cases provided for by the two preceding subsections, the two arbitrators shall within seven days appoint a third arbitrator, and their award shall be made within one month after the appointment; 29 & 30 V., c. 51, s. 353, sub-s. 6. 35

County judge to appoint in certain cases.

(7.) If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the last named of the two arbitrators, agree on a third 40 arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is 45 situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him; 29 & 30 V., c. 51, s. 353, sub-s. 7.

Appointments how to be made.

(8.) The appointment of all arbitrators shall be in writing under the hands of the appointors or in case of a corporation, 50 under the corporate seal, and authenticated in like manner as a by-law; 29 & 30 V., c. 51, s. 353, sub-s. 8.

Head may appoint for corporation.

(9.) The arbitrators on behalf of a municipal corporation, or provisional corporation, shall be appointed by the council thereof, or by the head thereof if authorized by a by-law of the coun- 55 cil; 29 & 30 V.: c. 51, s. 353, sub-s. 9.

(10.) In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in the above fourth subsection under a by-law in that behalf passed, whether such persons
 5 are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council of such corporation, be disposed of by one award, such persons shall have
 10 one month instead of seven days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the county court judge shall have power to name an arbitrator for them; 29 & 30 V., c. 51, s. 353, sub-s. 10.

When many parties are interested in the same property.

(11.) Every arbitrator before proceeding to try the matter of
 15 the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm make and subscribe the following affirmation) before any justice of the peace; 29 & 30 V., c. 51, s. 353, sub-s. 11.

Arbitrators to be sworn.

"I, (A. B.) do swear (or affirm) that I will well and truly try
 20 "the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence. "So help me God." Which oath or affirmations shall be filed with the papers of the reference.

Form of oath.

(12.) In case the award relates to property to be entered upon,
 25 taken or used as mentioned in the said fourth subsection, and in case the by-law did not authorise or profess to authorise any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitra-
 30 tors find that such authority had not been acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as
 35 if no such by-law had been made, and the corporation shall pay the cost of the arbitration; 29 & 30 V., c. 51, s. 353, sub-s. 12.

Award to be binding in certain cases must be adopted by by-law within a certain time.

(13.) In the case of any award under this Act which does not require adoption by the council, or in case of any award to
 40 which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that the present subsection of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the
 45 council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a state-
 50 ment thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto; 29 & 30 V., c. 51, s. 353, sub-s. 13.

Notes of the evidence adduced to be taken and filed in certain cases.

(14.) Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be
 55 subject to the jurisdiction of any of the superior courts of law

Award to be made by at least two arbitrators and

subject to
superior
courts.
Powers of the
courts in such
matters.

or equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court; and in the cases provided for by the last preceding subsection, the court shall consider not only the legality of the award, but the merits as they appear from the proceedings so 5 filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the 10 same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, 15 as the justice of the case may seem to the court to require; 29 & 30 V., c. 51, s. 353, sub-s. 14.

POUNDS AND POUND-KEEPERS.

By-laws as to
pounds and
cruelty to ani-
mals.

1293. The council may pass by-laws (not inconsistent with the Act of the Dominion of Canada, relating to cruelty to animals passed in the Session held in the thirty-second and thirty- 20 third years of the reign of Her Majesty, chaptered twenty-seven. 29 & 30 V., c. 51, s. 354.

PROVIDING POUNDS.

Pounds to be
provided.

(1.) For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound; 29 & 30 V., c. 51, s. 354, sub-s. 1. 25

ANIMALS RUNNING AT LARGE.

Animals run-
ning at large.

(2.) For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; 29 & 30 V., c. 51, s. 354, sub-s. 2. 30

Appraising
damages done
by.

(3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the municipality; 29 & 30 V., c. 51, s. 354, sub-s. 3.

Compensation
for impound-
ing animals.

(4.) For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act, with 35 respect to animals impounded or distrained and detained in the possession of the distrainer. 29 & 30 V., c. 51, s. 354, sub-s. 4.

GENERAL PROVISIONS.

Regulations
respecting
animals.

1294. Until varied or other provisions are made by by-laws of the municipality, the following regulations shall be in force: 29 & 30 V., c. 51, s. 355. 40

Liability for
damage done.

(1.) The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the regulations of the municipi- 45

pality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such regulations; 29 & 30 V., c. 51, s. 355, sub-a. 1.

(2.) If not previously replevied, the pound-keeper shall im-
 5 pound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of any geese or
 10 other poultry refuses or neglects to prevent the same from trespassing on his neighbours premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any justice of the peace, and fined such sum as the justice may direct; 29 & 30 c. 51, s.
 15 355, sub-s. 2.

(3.) When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any inclosed place within the limits of the pound-keeper's division within which the distress was made;
 20 29 & 30 V., c. 51, s. 355, sub-a. 3.

(4.) The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor without payment of any poundage-fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage-fees
 25 that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage-fees, if such be demanded, and within twenty-four hours thereafter, deliver to the pound-keeper duplicate statements in writing of his demands against the owner
 30 for damages (if any) not exceeding twenty dollars, done by such animal; exclusive of such poundage-fees, and shall also give his written agreement (with a surety if required by the pound-keeper) in the form following, or in words to the same effect:

35 "I, (or we, as the case may be), do hereby agree that I (or we) will pay to the owner of the (describing the animal) by me (A.B.) this day impounded all costs to which the said owner may be put in case the distress by me the said A.B. proves to be illegal, or in case the claim for damages now put in by me
 40 the said A.B. fails to be established;" 29 & 30 V., c. 51, s. 355, sub-a. 4.

(5.) In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the township for straying within his premises,
 40 such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him, 29 & 30 V., c. 51, s. 355, sub-a. 5.

(6.) If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal; 29 & 30 V., c. 51, s. 355, sub-a. 6.

(7.) If the owner be unknown to the person taking up and re- If unknown,

notice to
township
clerk.

taining possession of the animal, such person shall, within forty-eight hours, deliver to the municipal clerk a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be; 29 & 30 V., c. 51, s. 355, sub-s. 7.

5

Duty of clerk
thereon.

(8.) The municipal clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner; 29 & 30 V., c. 51, s. 355, sub-s. 8.

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If the animals
are worth \$10,
or over.

(9.) If the animal or any number of animals taken up at the same time, be of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks; 29 & 30 V., c. 51, s. 355, sub-s. 9.

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Notice of sale.

(10.) In case an animal be impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same; 29 & 30 V., c. 51, s. 355, sub-s. 10.

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When sale may
be made.

If animal is
not impounded
but detained.

(11.) In case the animal be not impounded but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up; 29 & 30 V., c. 51, s. 355, sub-s. 11.

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Notice of sale,
unless redeemed.

(12.) The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping; 29 & 30 V., c. 51, s. 355, sub-s. 12.

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Keepers to
feed impound-
ed cattle.

(13.) Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined; 29 & 30 V., c. 51, s. 355, sub-s. 13.

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And may re-
cover the
value.

(14.) Every such person who furnishes the animal with food water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his

time, trouble and attendance in the premises ; 29 & 30 V., c. 51, s. 355, sub-s. 14.

(15.) The value or allowance as aforesaid may be recovered, with costs, by summary proceedings before any justice of the peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single justice of the peace ; and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, as far as applicable, to the tariff of pound-keepers' fees and charges that may be or have been established by the by-laws of the municipality ; 29 & 30 V., c. 51, s. 355, sub-s. 15.

In what manner such value may be recovered.

(16.) The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned ; 29 & 30 V., c. 51, s. 355, sub-s. 16.

Other mode of enforcing.

(17.) In case it be by affidavit proved before one of the justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the township may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the Treasurer of and for the use of the municipality ; 29 & 30 V., c. 51, s. 355, sub-s. 17.

Sale, how effected, etc., and purchase money how applied.

(18.) If the owner within forty-eight hours after the delivery of such statements, as provided in the fourth subsection of this section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper ; 29 & 30 V., c. 51, s. 355, sub-s. 18.

Disputes regarding such demand, how determined.

(19.) Such fence-viewers, or any two of them, shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the

Fence viewers to view and appraise damage.

fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement, signed by 5 at least two of them of their appraisement, and of their lawful fees and charges; 29 & 30 V., c. 51, s. 355, sub-s. 19.

Penalty for neglect of duty by viewers.

(20.) Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the municipality, by summary proceeding before 10 a justice of the peace upon the complaint of the party aggrieved, or the Treasurer of the municipality; 29 & 30 V., c. 51, s. 355, sub-s. 20.

Proceedings where viewers decide against the legality of a fence.

(21.) If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their 15 hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges be not paid, the pound-keeper, after due notice, as required by this 20 Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices; 29 & 30 V., c. 51, s. 355, sub-s. 21.

Liability of pound-keeper refusing to feed animal impounded.

(22.) In case any pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as 25 aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water, and shelter as aforesaid, he shall, for every day during which he refuses or neglects, forfeit a sum not less than one dollar, nor more than four dollars; 29 & 30 V., c. 51, s. 355, sub-s. 22. 30

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

Recovery and enforcement of penalties.

1395. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any justices of the peace for the county, or of the municipality in which the offence was committed; and, in default of payment, the offender 35 may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the committal, 40 be sooner paid; 29 & 30 V., c. 51, s. 355, sub-s. 23.

Imprisonment in default of payment.

Who may be a witness.

1296. Upon the hearing of any information or complaint exhibited or made under this Act, any person (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be 45 entitled to any part of the pecuniary penalty on the conviction of the offender; 29 & 30 V., c. 51, s. 355, sub-s. 24.

Application of penalties.

1297. When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act shall be paid and distributed in the following manner: one moiety 50 to the municipality in which the offence was committed, and the

other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper; 29 & 30 V., c. 51, s. 355, sub-s. 25.

- 1298.** If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree; and on his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act; provided always, that for the purpose of such removal, the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing; and all disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. 29 & 30 V., c. 51, s. 355, sub-s. 28.

Provision when a tree is thrown down across a line fence.

Proviso; entry to remove trees not to be a trespass.

JUSTICES OF THE PEACE.

- 1299.** The Reeve shall *ex-officio*, be a justice of the peace for the whole county or union of counties, in which the municipality lies: Provided always, that before he shall act in the capacity of a justice of the peace for the county, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace; 29 & 30 V., c. 51, s. 357, and 31 V., c. 30, s. 38.
- 1300.** No Reeve after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a justice of the peace; 29 & 30 V., c. 51, s. 358.

Reeve, *ex-officio*, to be justice of the peace.

Qualification and oath of justices of the peace, when dispensed with.

CONVICTIONS UNDER BY-LAWS.

- 1301.** It shall not be necessary in any conviction made under any by-law of any council, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law, under which the conviction is made, but all such convictions may be in the form given in the following schedule:

What only should be necessary in conviction under by-law.

PROVINCE OF ONTARIO, } BE IT REMEMBERED, *Form.*
 45 County of } that on the _____ day of _____
 To wit. } A. D. _____ at _____ in the county
 of _____ A. B. is convicted before the undersigned,
 one of Her Majesty's justices of the peace in and for the said
 county, that the said A. B. (stating the offence, and time and
 50 place, and when and where committed) contrary to a certain
 by-law of the municipality of the _____ of _____, in

the said county of _____; passed on the _____ day of _____ A. D. _____, and intituled: (*reciting the title of the by-law*); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of _____, to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of _____, for his costs in this behalf. And if the said several sums be not paid forthwith, *or on or before the day of _____ (as the case may be.)* I order that the same be levied by distress and sale of the goods and chattles of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common jail of _____ (or, in the public lock-up at _____), for the space of _____ days, unless the said several sums, and all costs and charges of conveying the said A. B. to such jail (or lock-up), shall be sooner paid. 15

Given under my hand and seal, the day and year first above written, at _____, in the said county.

[L. S.]

J. M., J.P.

29 & 30 V., c. 51, s. 362.

Compelling witnesses to attend.

1302. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before justices of the peace in cases tried summarily under the statutes now in force; 29 & 30 V., c. 51, s. 363 25

Jurisdiction of justices under by-law.

1303. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any by-law of any municipality in any such county, where there is no police magistrate. 29 & 30 V., c. 51, s. 364.

Heads of Council to administer oath.

1304. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council; 29 & 30 V., c. 51, s. 366. 30

JURORS AND WITNESSES.

No ratepayer, etc., incompetent as a witness but liable to challenge as a juror, etc.

1305. In any prosecution, suit, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, suit, action or proceeding, is a county. 32 V., c. 6, s. 13. 40

Lock-up houses.

1306. The council may, by by-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and the council may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the municipality; and every such lock-up-house shall be placed in charge of a constable 45 50

Fees to constables.

Charge of lock-uphouses.

specially appointed for that purpose by the council; two or more municipal corporations may unite to establish and maintain a lock-up-house; 29 & 30 V., c. 51, s. 412. See also ss. 407 & 408.

CONFIRMING AND SAVING CLAUSES.

- 5 **1307.** Nothing herein contained shall be taken or construed to affect or repeal the four hundred and twenty-third section of an Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, which
 10 enacts, that "so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and schedule C of the same Act, numbers one, two and
 15 three, and schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen;" "And also so much of schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections
 20 of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the
 25 continuing the same and the boundaries thereof, shall continue in force." 29 & 30 V., c. 51, s. 423.

1308. This Act shall take effect on the _____ day of _____
 one thousand eight hundred and seventy _____

When this
 act to be in
 force.

- 1309.** All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of Ontario, are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any of such parts or Acts, or of any Act or provision of law
 30 formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. 29 & 30 V., c. 51, s. 428.

Inconsistent
 enactments re-
 pealed.

BILL.

An Act to Consolidate and Amend the Law
respecting Municipal Institutions in the
Province of Ontario.

First Reading 13th December, 1870.

Hon. Mr. CAMERON.

TORONTO :

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An Act to make the Members of the Law Society of Ontario elective by the Bar thereof,

WHEREAS, it is expedient that a change be made in the Preamble.
manner of the election of benchers of the Law Society,
and petitions have been presented, praying for the same. There-
fore Her Majesty, by and with the consent of the Legislative
5 Assembly of the Province of Ontario, enacts as follows:—

1. The fourth section of the Act of the Consolidated Statutes for Can. Stat. U.
C., cap. 33, s.
4, repealed.
Upper Canada, chaptered thirty-three, intituled, "An Act re-
specting the Law Society of Upper Canada," is hereby repealed.
2. The present benchers shall hold office, and continue with Present
Benchers and
10 all their duties and powers unimpaired until the first day of
Hilary Term, in the year of our Lord one thousand eight hun-
dred and seventy-two, as if the said fourth section had not been
repealed; and all By-laws, resolutions, rules and regulations of by-laws, rules,
etc., con-
tinued.
15 the present benchers until the said first day of Hilary Term, in the
year of our Lord one thousand eight hundred and seventy-two,
except so far as the same are, or shall be inconsistent with this
Act, shall remain in full force and effect until altered by the
benchers to be appointed as hereinafter provided for.
- 20 3. On the first day of Hilary Term, one thousand eight hun-
dred and seventy-two, the present benchers except as hereinafter
provided, shall cease to hold office, and from and after that day
the benchers of the Law Society, exclusive of *ex-officio* members,
shall be thirty in number, to be elected as hereinafter provided. Benchers to
be thirty in
number.
- 25 4. The Attorney-General for the time being of the Province
of Ontario, and all members of the Bar of Ontario, who shall
have at any time held the office of Attorney-General for the
Province of Ontario, or of Attorney-General or Solicitor-Gen-
eral for that part of the late Province of Canada, formerly Up-
30 per Canada, and any retired Judge or Judges of the Superior
Courts of Law or Equity for the Province of Ontario, shall respec-
tively *ex-officio* be Benchers of the Society. Ex-officio
Benchers.
5. Her Majesty's Counsel learned in the Law of the Bar of Queen's coun-
sel to elect
twelve
benchers.
35 Benchers of the said Law Society. Ontario, shall elect from among themselves twelve persons to be
6. For the purpose of the election of the remaining Districts for
the election of
benchers.
eighteen Benchers, this Province shall be deemed to be divided
into the five districts following:—

One comprising the Counties of Essex, Lambton, Kent, Mid-
40 dlesex, Elgin, Oxford, Huron, Perth and Bruce.

One comprising the Counties of Wellington, Waterloo, Brant,

Norfolk, Haldimand, Monck, Welland, Lincoln, Wentworth and Halton.

One comprising the Counties of Grey, Simcoe, Peel, York, Ontario, and the Districts of Muskoka, Algoma and Parry Sound.

5

One comprising the Counties of Victoria, Durham, Peterborough, Northumberland, Hastings and Prince Edward.

One comprising the Counties of Frontenac, Lennox and Addington, Renfrew, Leeds, Lanark, Grenville, Dundas, Stormont, Glengarry, Prescott, Russell and Carleton.

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Names of districts.

The said Districts shall be termed respectively, the London, Hamilton, Toronto, Cobourg and Brockville Districts.

Elections in districts other than the Toronto district.

7. For each of the said districts other than Toronto there shall be elected by the Members of the Bar, usually resident and practising in the said districts respectively, three Members of the Bar, of at least ten years standing, and whether resident or practising in said respective districts or not, and whether the same shall be one of Her Majesty's said Counsel or not, to be Benchers of the Law Society; and for the Toronto District, there shall be similarly elected as Benchers six members of the like standing.

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Elections in the Toronto district.

First election, by Queen's counsel, and in Toronto district.

8. The first election for such of the Benchers as by this Act are directed to be elected by Her Majesty's Counsel and of such Benchers as hereby directed to be elected for the Toronto District, shall take place on the first Saturday in the Michaelmas Term next succeeding the passing of this Act, and every subsequent election of such members as are hereby directed to be elected by Her Majesty's Counsel and of such Benchers as are hereby directed to be elected for the district of Toronto, shall take place on the first Saturday of the Michaelmas Term, in the year proper for holding such election; and such elections shall take place at Osgoode Hall, in the City of Toronto.

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Subsequent elections.

First election for the districts of London, Hamilton, Cobourg, and Brockville.

9. The first election for the districts of London, Hamilton, Cobourg, and Brockville, shall take place on the first Wednesday after Michaelmas Term next succeeding the passing of this Act; and every subsequent election for the said districts, shall be held on the first Wednesday after Michaelmas Term in the year proper for holding such elections: and such elections shall take place in the Court House of the Cities of London and Hamilton, and of the Towns of Cobourg and Brockville, respectively, for the districts in which such cities and towns are situated respectively.

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Subsequent elections.

Returning officer for elections at Osgoode Hall.

10. In the case of such elections as are by this Act directed to be held at Osgoode Hall, in the City of Toronto, the Secretary to the Law Society for the time being shall act as Returning Officer, and shall receive the votes of all Her Majesty's said Counsel, and of all Members of the Bar entitled to vote at such elections, and shall record in separate books to be kept by him for that purpose, one for the election by Her Majesty's said Counsel, and another for the election by the Members of the Bar, the name and residence of each person

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Manner of recording votes.

voting together with the names of those for whom such person shall have voted: and such books shall be returned by the Secretary to the first meeting of the newly elected Benchers, together with all such books kept for a like purpose by the other Returning Officers, and which by this Act are required to be returned by such Returning Officers to the Secretary for the time being of the Law Society.

11. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this Act is to be held at Toronto, or in the event of such Secretary being unable from illness or other unavoidable cause to act as returning officer at such election, then and in such case the treasurer for the time being of the Law Society shall appoint under his hand some other person to act as such returning officer, and such person so appointed shall perform all the duties of such returning officer as prescribed by this Act, and shall be entitled to receive the remuneration provided by this Act for the performance of such duties.

Returning officer in Toronto when there is no Secretary of the law society.

12. The secretary of the Law Society for the time being, or such other person as may be appointed under the last preceding section, shall as soon as conveniently may be, by inspection of the books directed to be kept by him by the tenth section of this Act, determine who are the persons duly elected under this Act as benchers elected by Her Majesty's counsel and by the Members of the Bar for the district of Toronto, and shall advertise the same, together with the names of such persons as may be returned to him as duly elected for the other districts referred to in this Act in the *Ontario Gazette*, at least two weeks before the first day of Hilary Term then next ensuing.

Duties of the Secretary of the law society after the election.

13. The secretary of the Law Society for the time being, or such other person as shall be appointed under the eleventh section of this Act, shall attend at Osgoode Hall for the purpose of receiving all votes that shall be tendered to him from the hour of (ten) in the forenoon of the day appointed by this Act for such elections as are to be held by him, till the hour of (four) in the afternoon of the same day.

Hours in which the elections are to be held by the Secretary.

14. In the case of such elections as are by this Act directed to be held in the districts of London, Hamilton, Brockville and Cobourg, the County Court Judge for the county in which such election is directed to take place shall act as returning officer for such district, or in the event of there being a vacancy in the office of County Court Judge for such county at the time when any such election is by this Act appointed to take place, or in the event of the County Court Judge being unable from sickness or other unavoidable cause to act as returning officer, then the Clerk of the County Court for the city or town wherein the election is to take place shall act as the returning officer.

Returning officers for elections in districts other than Toronto.

15. The County Court Judge or other person acting as returning officer, under the provisions of the last preceding section, shall receive the votes of all persons entitled to vote for the district in which such election shall take place, and shall record in a book to be kept by him for that purpose, the name and residence of each person voting, together with the names of those for whom such person votes, and shall return such book together with the return of members elected for such

Manner of recording votes.

district, to the secretary for the time being of the Law Society at Toronto, at least three weeks before the first day of Hilary Term next ensuing.

Returns of elections.

16. The County Court Judge or other person acting as returning officer shall, as soon as conveniently may be, by inspection of the book required to be kept by him by the last preceding section, determine who are the Benchers duly elected for the district in which such election has taken place, and shall under his hand return the names of such Benchers to the secretary of the Law Society for the time being, at least three 10 weeks before the first day of Hilary Term next ensuing such election.

Time for holding elections by the County Judge.

17. The County Court Judge, or person acting as returning officer, under the fourteenth section of this Act, shall attend at the court house of the city or town in which the election is to 15 take place, from the hour of (ten) in the forenoon of the day appointed by this Act for such election, to the hour of four in the afternoon of the same day, for the purpose of receiving all votes that shall be tendered to him.

Fees to returning officers.

18. The person acting as returning officer under any of the 20 preceding clauses shall be entitled to be paid out of the funds of the Law Society the sum of , in addition to necessary disbursements, for each occasion whereon he acts as such officer.

Term of office of benchers.

19. The persons so elected Benchers as aforesaid shall take 25 office on the first day of Hilary Term following their election, and shall hold office until the beginning of the Hilary Term which shall be the fifth after they shall have entered on their said office, or till the election of their successors.

Committee on election petitions.

20. It shall be competent for the majority of the Benchers 30 present at any meeting in the first Hilary Term after their election, to appoint a committee of their number to enter upon an enquiry with respect to the due election of any of the said Benchers whose election or elections may be petitioned against by any member of the Bar who has voted in the particular dis- 35 trict for which the Bencher or Benchers petitioned against have been elected, or if the petition is against the return of any of the Benchers elected by Her Majesty's counsel; then on the petition of any of Her Majesty's counsel who voted at the election of such Bencher or Benchers, and after such enquiry, to 30 report such Bencher or Benchers as duly or not duly elected or qualified according to the fact, and, if necessary, to report the name or names of the next in order of votes of the duly qualified Members of the Bar, or of Her Majesty's counsel, as Bencher or Benchers, in lieu of the person or persons petitioned 35 against and reported not duly elected or qualified; and on the confirmation of the said report by the majority of Benchers (other than those petitioned against) present at any meeting for that purpose, the person or persons so reported in lieu of those petitioned against as aforesaid shall be taken and deemed to be 40 the duly elected and qualified Bencher or Benchers.

Their duties.

Time for filing election petitions.

21. No petition against the return of any Bencher shall be entertained unless such petition shall be filed with the Secretary of the Law Society at least ten days before the first day of

Hilary Term next succeeding such election, and shall contain a statement of the grounds on which such election is disputed, and unless a copy of such petition be served upon the Benchers whose election is disputed at least ten days before the first 5 day of the said Hilary Term, and no grounds not mentioned in petition shall be gone into on the hearing of such petition.

Contents of
petitions.

22. On any such notice being duly filed as aforesaid, the Benchers shall during the first week of the Hilary Term succeeding such election, appoint a day for the hearing of such 10 petition, and give notice of such day to the petitioner and to the person whose return is disputed; provided that all such petitions shall be finally disposed of during the said Hilary Term.

Hearing
petitions.

23. On the hearing of any such petition the Benchers shall have power to examine witnesses under oath; and a summons 15 under the hand of the Treasurer of the Law Society or under the hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena, and any witness not attending in obedience thereto, shall be liable to attachment in either of the Superior Courts.

Powers of
benchers on
hearing peti-
tions.

20 24. Any person petitioning against the return of any Benchers shall deposit with the Secretary of the Law Society the sum of to meet any costs which such Benchers shall be put to in the opinion of the Committee before which such petition shall be heard; and such Committee shall have power in the 25 event of such petition being dismissed, to award such sum to be paid to the Benchers petitioned against as in their opinion is just, and shall have power in their discretion in the event of such Benchers being decided to be not duly elected or qualified, to award costs to the petitioner, and the costs so awarded shall 30 be recoverable in any Court of competent jurisdiction.

Petitioners to
deposit \$
with secretary
for costs.

Power of
committee as
to costs.

25. The Benchers shall, on the first meeting after their election proceed to elect one of their body as Treasurer, who shall be the President of the Society, and shall have all such powers as are at present possessed by the Treasurer of the Law Society; 35 and such Treasurer shall hold office until the appointment of his successor; and the election of Treasurer shall take place on the first Saturday of Hilary Term in every year; provided that the retiring Treasurer shall be eligible for re-election.

Election of
Treasurer.

Duration
of his office.

26. In case of the failure in any instance, in any district, to 40 elect the requisite number of duly qualified Benchers therefor, according to the provisions of this Act, or in case any of Her Majesty's counsel, or Member of the Bar, shall have been elected for more than one district, or in case one of Her Majesty's counsel shall have been elected for one district, and as one of the 45 Benchers to be elected by Her Majesty's counsel under the provisions of the fifth section of this Act, or in case of any vacancy caused by the death or resignation of any Benchers, then it shall be the duty of the remaining Benchers, with all convenient speed, at a meeting to be specially called for the purpose, to 55 supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provisions of this Act to be elected as a Benchers; and the person or

Vacancies
among Bench-
ers—how filled
up.

persons so elected shall hold office for the residue of the period for which the other Benchers have been elected.

Retiring
benchers
re-eligible.

27. At all elections to take place under this Act, all retiring Benchers shall be re-eligible.

No. 4.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to make the Members of the Law
Society of Ontario elective by the Bar
thereof.

ATTY-GEN. MACDONALD.

TORONTO:

No. 5.]

BILL.

[1870.

An Act for amending the law relating to Election Petitions and for providing more effectually for the prevention of corrupt practices at Elections for the Legislative Assembly of Ontario.

WHEREAS it is expedient to amend the law relating to the Preamble.
trial of Election Petitions, and to provide more effectually
for the prevention of corrupt practices at Elections for the
Legislative Assembly of Ontario; Therefore, Her Majesty, by and
5 with the advice and consent of the Legislative Assembly of the
Province of Ontario, enacts as follows:

1. This Act may be cited for all purposes as "The Contro- Short title of
verted Elections Act of 1869." Act.

10 2. The expression, "The Court" shall for the purposes of Definition of
this Act mean the Court of Queen's Bench in Ontario; and the word
such Court shall, subject to the provisions of this Act, have the "Court."
same powers, jurisdiction and authority with reference to an Jurisdiction.
Election Petition and the proceedings thereon, as it would have
if such petition were an ordinary cause within its jurisdiction,

15 3. The following terms shall in this Act have the meaning Interpretation
hereinafter assigned to them, unless there is something in the of terms:
context repugnant to such construction, (that is to say:)

"Member" shall mean a member of the Legislative Assembly "Member."
of Ontario.

20 "Election," shall mean an election of a member to serve in "Election."
the Legislative Assembly of Ontario.

"Division," shall mean an electoral division returning a "Division."
member.

25 "Candidate," shall mean any person elected to serve as a "Candidate."
member, and any person who has been nominated as or declared
himself a candidate at an election.

30 "Corrupt practices," or "corrupt practice," shall mean bri- "Corrupt
bery and undue influence, and illegal and prohibited Acts in practices," or
reference to elections—or any of such offences—as defined by corrupt
Act of the Legislature. practice."

"Rules of Court," shall mean rules to be made as hereinafter "Rules of
mentioned. Court."

"Prescribed," shall mean "prescribed by the rules of Court." "Prescribed."

"The Speaker."
er."

4. For the purposes of this Act the expression "The Speaker," shall mean the Speaker of the Legislative Assembly ; and when the office of Speaker is vacant the Clerk of the Legislative Assembly, or any other officer for the time being, performing the duties of the Clerk of the Legislative Assembly, shall be deemed to be substituted for and included in the expression "the Speaker." 5

To and by
whom election
petition may
be presented,

5. From and after the passing of this Act a petition complaining of an undue return, or undue election of a member, may be presented to the Court by any one or more of the following persons : 10

by voters,

(1.) Some person who voted, or who had a right to vote, at the election to which the petition relates, or

by persons
claiming to be
elected,

(2.) Some person claiming to have had a right to be returned or elected at such election, or 15

by candidates.

(3.) Some person alleging himself to have been a candidate at such election.

What are election
petitions.

And such petition is hereinafter referred to as an election petition.

6. The following enactments are made with respect to the presentation of an election petition under this Act :

Form of petition, and by
whom to be
signed.

(1.) The petition shall be in such form, and state such matters as shall be prescribed, and shall be signed by the petitioner or all the petitioners, if there be more than one.

Petition when
to be presented ;

(2.) The petition shall be presented within twenty-one days after the return has been made to the Clerk of the Crown in Chancery of the member to whose election the petition relates, unless it question the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery to have been committed by the member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment or acts committed. 35

and to whom.

(3.) Presentation of a petition shall be made by delivering it to the Clerk of the Court, or otherwise dealing with the same in manner prescribed.

Security for
costs.

(4.) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner, 40

(a.) To any person summoned as a witness on his behalf, or

(b.) To the member whose election or return is complained of (who is hereinafter referred to as the respondent), shall be given on behalf of the petitioner. 45

(5.) The security shall be to an amount of \$; it shall be given either by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money in

manner prescribed, or partly in one way and partly in the other.

7. On presentation of the petition, the Clerk of the Court shall send a copy thereof by mail to the Returning Officer of the division to which the petition relates, who shall forthwith publish the same in the division.

Copy of petition to be sent to Returning Officer, who shall publish the same.

8. Notice of the presentation of a petition under this act and the nature of the proposed security accompanied with a copy of the petition shall, within five days after the day on which the security is given, or within such longer time as the Court may, under special circumstances of difficulty in effecting service allow, be served by the petitioner on the respondent, and it shall be lawful for the respondent where the security is given wholly or partially by recognizance, within five days from the day of the service on him of the notice, to object in writing to such recognizance on the ground that the sureties or any of them are insufficient, or that a security is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Serving petition on Respondent.

Notice of objection to security.

9. Any objection made to the security given shall be heard and decided on in the prescribed manner:—If an objection to the security is allowed, it shall be lawful for the petitioner, within five days after the day of such allowance, to remove such objection by a deposit in the prescribed manner of such sum of money as may be deemed by the Court or officer having cognizance of the matter proper to make the security sufficient. If on objection made the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration, without objection made, of the time limited for making objections, or after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue.

Objections to security, how heard and decided.

Removal of objections.

If objections allowed are not removed, proceedings to cease.

When petition is at issue.

10. The Clerk of the Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, hereinafter referred to as the election list, open to the inspection of any person making application. Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

Clerk of the Court to make out the election list of petitions at issue.

Order in which petitions shall be tried.

TRIAL OF A PETITION.

11. The following enactments are made with respect to the trial of Election Petitions under this Act.

(1.) The trial of every election petition shall be conducted before a Judge of one of the Courts of Queen's Bench, Chancery or Common Pleas of Ontario, to be selected from a *rota* to be formed as hereinafter mentioned.

Petitions to be tried by a Judge chosen from such Court.

(2.) The members of each of the said Courts respectively shall, in Hilary Term, in the year of our Lord one thousand eight hundred and seventy-one, select by a majority of votes of

Members of Court to select the Judge on the *rota*.

the members of the Court, one of the Judges of such Court to be placed on the *rota* for the trial of election petitions during that year, and shall on or before the third day of Michaelmas Term in every year, select by a majority of votes of the members of the Court, one of the Judges of such Court to be placed on the *rota* for the trial of election petitions during the then ensuing year.

A Judge re-eligible.

(3.) Any Judge placed on the *rota* shall be re-eligible in the succeeding or any subsequent year.

Filling up vacancies on the *rota*.

(4.) In the event of the death or illness of any Judge for the 10 time being on the *rota*, or his inability to act for any reasonable cause, the Court to which he belongs shall fill up the vacancy by placing on the *rota* another Judge of the same Court.

Manner in which the trial shall be taken by the Judges.

(5.) The Judges for the time being on the *rota* shall accord- 15 ing to their seniority respectively try the election petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement.

When the number of Judges on the *rota* may be increased.

(6.) When it appears to the Judges on the *rota*, after due 20 consideration of the list of petitions under this Act for the time being at issue, that the trial of such election petitions will be inconveniently delayed, unless an additional Judge or Judges be appointed to assist the Judges on the *rota*, each of the said Courts of Queen's Bench, Chancery and Common Pleas, in the 25 order named, shall, on the requisition of such Judges on the *rota*, and to the number of the additional Judges required, select, in manner hereinbefore provided, one of the Judges of the Court, to try election petitions for the ensuing year; and any Judge so selected shall, during that year, be deemed 30 to be on the *rota* for the trial of election petitions.

Judge to try petitions without a jury.

12. Every petition shall, except where it raises a question of law for the determination of the Court, as herein mentioned, be tried by one of the Judges hereinbefore in that behalf mentioned (hereinafter referred to as the Judge), sitting in open 35 Court without a jury.

Notice of trial.

13. Notice of the time and place, at which an election petition will be tried, shall be given not less than fourteen days before the day on which the trial is to take place in the prescribed manner. 40

Where the trial shall take place.

14. The trial of an election petition shall take place in the division, the election or return for which is in question; Provided always, that if it shall appear to the Court that special circumstances exist, which render it desirable that the petition should be tried elsewhere than in the division, it shall be lawful 45 for the Court to appoint such other place for the trial as shall appear most convenient.

Judge may adjourn the trial.

15. The Judge at the trial may adjourn the same from time to time, and from any one place to any other place within the division, as to him may seem expedient. 50

Judge to determine the issue.

16. At the conclusion of the trial, the Judge who tried the petition shall determine whether the member, whose election or

return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and shall forthwith certify, in writing, such determination to the Speaker, appending thereto a copy of his notes of the evidence, and upon such certificate being given, such determination shall be final to all intents and purposes.

and give certificate of such determination, with copy of his notes to the Speaker.

17. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker as follows :

Report of Judge where charge is made of corrupt practice.

(a.) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any, and which candidate at such election, and the nature of such corrupt practice.

(b.) The names of any persons who have been proved, at the trial, to have been guilty of any corrupt practice.

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

18. The Judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, an account of which, in his judgment, ought to be submitted to the Legislative Assembly.

Special report of Judge.

19. When upon the application of any party to a petition, duly made to the Court, it appears to the Court that the case raised by the petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special case shall be, as far as may be, heard before the Court, and the decision of the Court shall be final, and the Court shall certify to the Speaker its determination in reference to such special case ; Provided always

When Court may order a special case.

20. If it shall appear to the Judge on the trial of the said petition that any question or questions of law as to the admissibility of evidence, or otherwise, require further consideration by the Court, then it shall be lawful for the said Judge to postpone the granting of the said certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge on a trial at *Nisi Prius*.

Questions of law reserved at the trial.

21. The Speaker shall, at the earliest practicable moment after he receives the certificate, and report or reports, (if any), of the Court or Judge, communicate the same to the Legislative Assembly, and the Legislative Assembly shall forthwith there-after order the same to be entered on its journals and give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution as circumstances may require.

The Speaker to communicate Judge's report to the Legislative Assembly.

Proceedings thereupon.

22. Where the Judge makes a special report, the Legislative Order of Legis-

lative Assembly upon Judge's special report. Assembly may make such order in respect of such special report as they think proper.

When evidence of improper practice may be received. **23.** Unless the Judge otherwise direct any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practice. 5

Certain circumstances not to stop trial. **21.** The trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or his resignation of the seat. 10

25. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of the Legislative Assembly.

PROCEEDINGS.

Form of petition. **26.** An election petition under this Act shall be in such form and state such matters as may be prescribed. 15

Service. **27.** An election petition under this Act shall be served as nearly as may be in the manner in which a writ of summons is served, or in such other manner as may be prescribed.

Joint respondents to petition. **28.** Two or more candidates may be made respondents to the same petition, and their case may, for the sake of convenience, be tried at the same time; but for all the purposes of this Act, such petition shall be deemed to be a separate petition against each respondent. 20

Several petitions to same election how placed on election list. **29.** Where under this Act more petitions than one are presented relating to the same election or return, all such petitions shall in the election list be bracketed together, and shall be dealt with as far as may be as one petition; but such petitions shall stand on the election list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the Court shall otherwise direct. 25 30

JURISDICTION AND RULES OF COURT.

Judges on the *rota* may make rules of Court. **30.** The Judges for the time being on the *rota*, or a majority of them, may from time to time make, and may, from time to time, revoke and alter general rules and orders (in this Act referred to as the rules of Court) for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of election petitions, and the trial thereof, and the certifying and reporting thereon. Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act. 35 40

Such rules to be laid before the Legislature. Any general rules and orders made, in pursuance of this section, shall be laid before the Legislative Assembly within three weeks after they are made, if the Legislative Assembly be then sitting, and if the Legislative Assembly be not then sitting, within three weeks after the beginning of the then next Session of the Legislative Assembly. 45

31. Until rules of Court have been made in pursuance of Practice in cases not provided for.
 this Act, and so far as such rules do not extend, the principles
 practice and rules on which election petitions, touching the
 election of members to the House of Commons of England, are
 5 at the time of the passing of this Act dealt with, shall be ob-
 served so far as consistently with this Act they may be observed
 by the Court and Judge.

RECEPTION, EXPENSES AND JURISDICTION OF THE JUDGE.

32. The Judge shall be received and attended at the place Reception of, and attendance on the Judge.
 where he is about to try an election petition under this Act in
 10 the same manner, so far as circumstances will admit, as a Judge
 of Assize is received and attended at an assize town and sitting
 at *nisi prius*, and the expenses of such attendance shall be
 deemed to be part of the expenses of providing a Court.

33. The travelling and other expenses of the Judge, and all Travelling and other expenses of the Judge and Sheriff.
 15 expenses properly incurred by the Sheriff in attendance on the
 Judge and providing a Court, shall be defrayed out of moneys
 to be provided by the Legislative Assembly.

34. On the trial of an election petition under this Act the Powers of the Judge.
 Judge shall, subject to the provisions of this Act, have the same
 20 powers, jurisdiction and authority, as a Judge of one of the
 Superior Courts, and as a Judge of Assize and *nisi prius*, and
 the Court held by him shall be a Court of Record.

WITNESSES.

35. Witnesses shall be subpoenaed and sworn in the same Witness, how subpoenaed and sworn.
 manner, as nearly as circumstances admit, as on a trial at *nisi*
 25 *prius*.

36. On the trial of an Election petition under this act the Judge may order attendance of witnesses.
 Judge may, by order under his hand, compel the attendance of
 any person as a witness, who appears to him to have been con-
 cerned in the election to which the petition refers, and any person
 30 refusing to obey such order shall be guilty of contempt of Court.
 The Judge may examine any witness so compelled to attend, or
 any person in Court, although such witness is not called and
 examined by any party to the petition. After the examination
 of a witness as aforesaid by a Judge, such witness may be
 35 cross-examined by, or on behalf of the petitioner and respondent,
 or either of them.

37. No person shall be excused from answering any question Witness not to refuse to answer.
 put to him on any trial under this Act, touching or concerning
 any election, or the conduct of any person thereat, or in rela-
 40 tion thereto, on the ground of any privilege, or on the ground
 that the answer to such question will tend to criminate such
 person; but no answer given by any person, claiming to be
 excused on the ground of privilege, or on the ground that such
 answer will tend to criminate himself, shall be used on any
 45 criminal proceeding against any such person other than an
 indictment for perjury, if the Judge shall give to the witness a
 certificate that he claimed the right to be excused on either of
 the grounds aforesaid, and made full and true answers to the
 satisfaction of the Judge.
 When answers of witnesses are not to be used against them in criminal proceedings.

Expenses of witnesses.

38. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions at the Assizes, may be allowed to such person by a certificate, under the hand of the Judge or of the Clerk of the Court, *and such expenses, if the witness was called and examined by the Judge, shall be deemed to be part of the expenses of providing a Court, and in other cases, shall be deemed to be costs of the party calling the witness.* 5

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

Withdrawal of petition.

39. An election petition under this Act shall not be withdrawn without the leave of the Court or Judge upon special application, to be made in and at the prescribed manner, time, and place. 10

Notice of withdrawal.

No such application shall be made until the prescribed notice has been given in the Division to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition. 15

Substitution of new petitioner.

On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court or Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition: The Court or Judge may, if it or he think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is, in the opinion of the Court or Judge, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner. 20 25 30

Order as to security where withdrawal is induced by corrupt bargain.

Security to be given by substituted petitioner.

If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution. 35

Costs.

Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner. 40

All petitioners must join in withdrawal.

If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent, unless the Court otherwise orders. Where there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners. 45

Court to report whether withdrawal was the result of a corrupt arrangement, etc.

40. In every case of the withdrawal of an election petition under this Act, the Court or Judge shall report to the Speaker whether in its or his opinion the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and if so, the circumstances attending the withdrawal. 50

Abatement of petition by death.

41. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners. 55

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred. 56

On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the division to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a
 5 petitioner in respect of the election to which the petition relates may apply to the Court or Judge, in and at the prescribed manner, time and place, to be substituted as a petitioner. Notice of abatement to be given.
Substitution of new petitioner.

The Court or Judge may, if it or he think fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is
 10 given as is required in the case of a new petition.

42. If before or during the trial of any election petition under this Act, any of the following events happen in the case
 15 of the respondent, (that is to say,)

(1.) If he die,

On death of respondent,

(2.) If the Legislative Assembly have resolved that his seat
 is vacant,

vacation of seat, or

(3.) If he give in and at the prescribed manner and time,
 20 notice to the Court or Judge that he does not intend to oppose, or further to oppose, the petition, with-drawal from opposition, and notice thereof,

notice of such event having taken place shall be given in the division to which the petition relates, and within the prescribed time after the notice is given, any person who might have been
 25 a petitioner in respect of the election to which the petition relates, may apply to the Court or Judge to be admitted as a respondent to oppose the petition, and such person shall on such application be admitted accordingly, either with the respondent, if there be a respondent, or in place of the respondent;
 30 and any number of persons, not exceeding three, may be so admitted; and if either of such events happen during the trial the Judge shall adjourn the trial in order to the giving of notice that such event has happened as herein provided. others admitted as respondents.

43. A respondent who has given the prescribed notice that
 35 he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the Legislative Assembly until the Legislative Assembly has been informed of the report on the petition; and the Court or
 40 Judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker. Respondent not opposing petition not to appear as a party or sit in the Legislative Assembly.

44. When an election petition under this Act complains of
 a double return, and the respondent has given notice in the
 45 prescribed way that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition by notice addressed to the
 50 prescribed officer; and upon the receipt of such notice, the prescribed officer shall report the fact of the withdrawal of such petition to the Speaker; and the Legislative Assembly shall thereupon give the necessary directions for amending the said double return, by taking off the file the indenture by which the
Cases of double return, where the respondent declines to defend.

respondent so declining to oppose the petition was returned, or otherwise, as the case may require.

COSTS.

Costs of petition.

43. All costs, charges, and expenses of and incidental to the presentation of a petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Court or Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

Taxation and recovery of costs.

The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between solicitor and client in the Court of Chancery, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

Recognizance when to be estreated.

46. If any petitioner, in an election petition presented under this Act, neglect or refuse for the space of six months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges and expenses and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of the Court, in every such case every person who has entered into a recognizance relating to such petition under the provisions of this Act, shall be held to have made default in his said recognizance, and the prescribed officer shall thereupon certify such recognizance to be forfeited; and such certificate shall have the same effect as if such recognizance were estreated or otherwise proceeded upon for the like purpose from or in a court of law in Ontario, and all moneys received or recovered by reason or in pursuance of the estreating or otherwise proceeding on such recognizance, shall be paid to the prescribed officer; and all such moneys and all moneys paid in as security on the presentation of an election petition, shall be applied as the Court or Judge may direct, in pursuance of the condition of the recognizance herein provided for.

PUNISHMENT OF CORRUPT PRACTICES.

Avoidance of election, and punishment of candidates guilty of corrupt practices.

47. Where it is found by the report of the Judge upon an election petition under this Act that any corrupt practice has been committed by or with the knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void, and he shall, during the eight years next after the date of his being so found guilty, be incapable of being elected to, and of sitting in the Legislative Assembly, and of being registered as a voter, and of voting at any election, and of holding any office at the nomination of the Crown, or of the Lieutenant-Governor, in Ontario, or any municipal office.

Vote by elec-

48. If, on the trial of any election petition, it is proved

that any corrupt practice has been committed by any elector voting at the election, his vote shall be null and void.

For committing any corrupt practice void.

49. If, on the trial of any election petition under this Act, any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has within eight years previous to such engagement, been found guilty of any corrupt practice by any competent legal tribunal, or by the report of the Judge upon an election petition under this Act, the election of such candidate shall be void.

Penalty for employing agent previously found guilty of corrupt practice.

50. Any person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge he has had an opportunity of being heard, shall, during the eight years next after the time at which he is so found guilty, be incapable of being elected to and of sitting in the Legislative Assembly, and of being registered as a voter, and of voting at any election, and of holding any office at the nomination of the Crown, or of the Lieutenant-Governor, in Ontario, or any municipal office.

Punishment of persons found guilty of an corrupt practice.

51. If at any time after any person has become disqualified by virtue of this Act, the witnesses or any of them on whose testimony such person shall have so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of perjury, order that such disqualification shall therefore cease and determine, and the same shall cease and determine accordingly.

Removal of disqualification on proof that disqualification was procured by perjury.

MISCELLANEOUS.

52. If any Returning Officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Legislative Assembly for any division, such person may, in case it has been determined on the hearing of an election petition under this Act, that such person was entitled to have been returned, sue the Officer having so wilfully delayed, neglected, or refused duly to make such return of his election in any Court of record in Ontario, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to such election.

Returning Officer may be sued for neglecting to return any person duly elected.

53. In reckoning time for the purposes of this Act, Sunday, and any day set apart by any Act of the Legislature of Ontario, for a public holiday, fast or thanksgiving, shall be excluded.

Computation of time.

54. From and after the time of the passing of this Act no election or return to the Legislative Assembly shall be questioned, except in accordance with the provisions of this Act, but any election or return which took place prior to the passing of this Act, may be questioned only in manner heretofore in use.

Controverted elections, how and by whom to be tried.

55. Where an election petition under this Act complains of the conduct of a Returning Officer, such Returning Officer shall

Petition complaining of a

Returning
Officer.

for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent.

Petitions complaining of no return.

56. A petition under this Act complaining of no return may be presented to the Court, and shall be deemed to be an election petition within the meaning of this Act, and the Court may make such order thereon as it thinks expedient for compelling a return to be made, or may allow such petition to be tried by the Judge in manner herein before provided with respect to ordinary election petitions. 5

Evidence on trials of undue return, and claiming seat.

57. On the trial of a petition under this Act, complaining of an undue return, and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue, in the same manner as if he had presented a petition complaining of such election. 10

Repeal of portion of Con. Stat. C., Ch. 7.

58. Any person who accordingly to the law for the time being is entitled to practice as an Attorney or Solicitor in Ontario, not being a member of the Legislative Assembly, may practice as agent or attorney, and any person who by the law for the time being is entitled to practice as a Barrister-at-Law, not being a member of the Legislative Assembly, may practice as a counsel, in cases of election petitions, and all matters relating to elections, before the Court or Judge. 15 20

Who may, practice as agent, attorney or counsel in case of election petitions.

59. From and after the passing of this Act, the Act respecting Controverted Parliamentary Elections, Chaptered seven of the Consolidated Statutes of Canada, is repealed so far as the same applies to Elections to take place for the Legislative Assembly of Ontario, after the passing of this Act. 25

An Act to further secure the Independence of the Legislative Assembly, by rendering ineligible therefor, persons holding employments of profit at the nomination of the Crown.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Except as hereinafter specially provided, no person occupying or holding any office, commission or employment at the nomination of the Crown in Ontario or in Canada, from which any salary or any fee, allowance, emolument or profit, whether from the Crown or otherwise may be derived, shall be eligible as a Member of the Legislative Assembly of Ontario, nor shall he sit or vote in the same during the time he holds such office, commission, or employment.

Persons holding offices of emolument under the Crown ineligible as Members of the Legislative Assembly.

2. Nothing in the first clause shall render ineligible as aforesaid, any person being a Member of the Executive Council, and holding any of the following offices, that is to say— Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, or Commissioner of Agriculture and Public Works; Provided he be elected while holding such office, and not otherwise disqualified.

Except certain Members of the Executive Council elected whilst in office.

3. Nothing in the first clause shall render ineligible as aforesaid any Officer of Her Majesty's Army or Navy or any Officer in the Militia or Militiaman, (except Officers on the Staff of the Militia receiving permanent salaries,) unless he be otherwise disqualified.

Exception, as to officers in the army, navy or militia.

4. All the provisions of the Act entitled an Act to secure the Independence of the Legislative Assembly passed in the thirty-second year of the reign of Her Majesty, and chaptered four, shall apply to the cases of disqualification enacted by this Act as if the same were hereby re-enacted.

Certain provisions of 32 Vic., chap 4 to apply to this Act.

5. This Act shall come into force on the dissolution of the first Legislative Assembly of Ontario.

When this Act is to come in force.

BILL.

An Act to further secure the Independence of the Legislative Assembly, by rendering ineligible therefor, persons holding employments of profit at the nomination of the Crown.

First Reading, 13th December, 1870.

MR. BLAKE.

TORONTO:

No. 7.]

BILL.

[1870.

An Act to amend the Act passed in the thirty-second year of the reign of Her present Majesty; entitled "An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario," and chaptered thirty-six.

WHEREAS it is expedient to amend the Act passed in the thirty-second year of the reign of Her present Majesty, intituled "An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario," and chaptered thirty-six. Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

That Section Eighty-two of the said Act be amended by striking out the words "two days" in the fourth line, and inserting instead thereof the words "one day."

32 Vic. Cap.
36 s. 82
Amended.

BILL.

An Act to amend the Act passed in the thirty-second year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario."

First reading, 13th December, 1870.

MR. GRAHAME, (*York.*)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 8.]

BILL

[1870.

An Act to amend the Act passed in the thirty-second year of the reign of Her Majesty, chaptered six and to alter the times for Auditing County Accounts by the Board of Audit.

WHEREAS it is expedient to alter the times for approving Preamble.
and auditing Accounts and Demands preferred by any
persons against the County Council by the Board of Audit:
Therefore Her Majesty by and with the advice and consent of
5 the Legislative Assembly of the Province of Ontario, enacts as
follows :—

1. That all the sub-section two, of section nine of the Act 32 Vic. Cap. 6,
Sec. 9, sub-
sec. 2, Amend-
ed.
passed in the thirty-second year of the reign of Her present
Majesty, chaptered six, after the word, "Counties," in the
10 twelfth line of the said sub-section, be repealed, and the following
substituted in lieu thereof: "on or before the first days of the
months of January, April, July and October, in every year."

2. That all of section two, of the Act passed in the thirty- 33 Vic. Cap.
8, sec. 2
Amended.
third year of the reign of Her present Majesty, chaptered
15 Eight, after the word, "Consideration," in the fourteenth line
of the said section, be repealed, and the following substituted
in lieu thereof: "In the second week of the months of January,
April, July, and October, in each and every year and disposed
of as soon as practicable."

BILL.

An Act to amend the Act passed in the thirty-second year of Her Majesty, chapter six, and to alter the times for Auditing County Accounts by the Board of Audit.

First reading 14th December, 1870.

MR. CARNEGIE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies doing business in the Province of Ontario, or elsewhere.

WHEREAS it is desirable and expedient to consolidate and amend the several Acts relating to Mutual Fire Insurance Companies; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ten freeholders in any municipality may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a Mutual Insurance Company. Meetings to establish companies, — how called.
2. Such meeting shall be called by advertisement, mentioning the time, the place within the county in which the municipality may be situated, and the object of the meeting; and the said advertisement shall be published for three weeks in one or more of the newspapers published in said county. Advertisement calling such meetings.
3. If thirty freeholders of such municipality are present at such meeting, and a majority of them determine that it is expedient to establish a Mutual Fire Insurance Company, they may elect three persons from among them to open and keep a subscription book, in which the owners of property, movable or immovable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the said Company. Subscription books.
4. Whenever one hundred or more persons, being owners of movable or immovable property in the Province of Ontario, shall have signed their names in said subscription book, and bound themselves to effect insurances in said company, which in the aggregate shall amount to one hundred thousand dollars at least, a meeting shall be called, as hereinafter provided. When meeting may be called.
5. As soon as convenient after the subscription book shall have been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of said company, at such time and place within the aforesaid municipality as they shall determine; such meeting shall be called by sending a printed notice by mail, addressed to each subscriber at his or her post office, at least ten days before the day of such meeting, and by advertisement in one or more papers published in the county in which the municipality is situated; said notice and advertisements to contain the object of said meeting, and the time and place at which it shall be held. How meeting to be called.

Election of
directors.

6. That at such meeting, after the name and style of the company shall have been adopted, and a secretary *ad interim* appointed, a board of not more than fifteen nor less than six directors shall be elected, and the place named at which such company shall be located, and such name or style shall not thereafter be changed and shall include the appellation of "Mutual," and a copy of the resolution adopting such name or style, and setting forth that such subscription book had been duly signed and the names of the directors elected under the hands of the chairman and secretary, shall be filed in the office of the Clerk of the Peace of the county within which the municipality is situate, and upon the filing of such certificate, the several subscribers above named, and all other persons thereafter effecting insurances therein, shall become members of the said company and shall be a body "corporate" and politic by and under such name so adopted, and that as soon after the aforesaid meeting as convenient, the secretary, "*ad interim*" shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer, or manager, and the transaction of such other business as may be brought before them.

Names of
directors to be
filed with the
Clerk of the
Peace.

Thereon the
corporation
formed.

Meeting of
directors to
elect president
and officers.

Power to
admit mem-
bers and
insure.

7. The company may admit, as a member thereof, the owner of any property, moveable or immoveable, lying within any part of the Province of Ontario, or elsewhere, and may insure the same whether the owner thereof be or be not a freeholder, and every person so admitted a member of said company shall have the same right, and be subject to the same liabilities as the other members of said company.

Annual
meeting to
elect directors.

8. An annual meeting for the election of directors shall be held within two months after the thirty-first of December in each year.

Election of
directors.

Proxies.

9. The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons, or by proxy, and each and every proxy shall bear date not less than three nor more than six months before the election at which they are intended to be used, and shall be filed with the secretary of the company at least three months before said election, and each and every proxy holder shall be a member of the company.

Certain per-
sons not
eligible to be
elected
directors or to
hold proxies.

10. No agent or paid officer, or employee of any such company, other than the manager, shall be eligible to be elected a director; and no agent, paid officer, or employee shall be allowed to hold proxies or to interfere in the election of directors for such company.

Manager may
be a director.

His salary.

11. The manager of any Mutual Insurance Company may be a director of such company, and may be paid by an annual salary, by resolution or by by-law of the board of directors of said company.

Term of di-
rector's office.

12. One third, at least, of the directors, shall retire annually, and the first board of directors shall at the first meeting after their election, determine among themselves by lot, which of the present directors shall go out of office at the end of the first year from their election, and which shall go out at the end of the second year from their election, the residue and all other di-

rectors subsequently elected, shall go out at the end of the third-year from their election; or if two-thirds of the directors so determine, all the directors shall retire annually, but each, if otherwise qualified, shall be eligible for election.

- 5 **13.** If the retirement of the directors is in terms of the first part of the preceding clause of this Act, one-third of the directors shall be elected at each subsequent annual meeting, to serve for the term of three years, but the retiring directors shall always be eligible for re-election, and the persons having the
10 greatest number of legal votes thereat, shall be directors, in place of such retiring directors, and in case an election of directors be not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on any subsequent day within three months
15 from the day appointed for holding the annual election according to the provisions of the by-laws and ordinances of the company, and the directors shall continue in such case to hold office till their successors are elected, [5, 52, 31 Vic., s. 5, Con. Stat, ch. 52, 84.]

Election of new directors.

Company not dissolved by new election of directors on the proper day.

- 20 **14.** The election of directors shall be by ballot.

Mode of election.

- 15.** If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a plurality of votes, then the said
25 members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of directors to be elected. And the directors shall at their first meeting after any such election,
30 proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Case of a tie at an election.

Election of a president and vice-president.

16. The directors shall be members of the company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least.

Qualification of directors.

- 35 **17.** If any vacancies happen among the directors during the term for which they may have been elected, by death, resignation, ceasing to have the necessary qualification under the sixteenth section of this Act, insolvency, or being four months continuously absent from the board meetings without the leave
40 of the board, such vacancies shall be filled up for the remainder of the term, by a person or persons duly qualified to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs.

Vacancies in office of director, how filled up.

- 18.** Each member of the company who is a policy-holder,
45 shall be entitled to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: For any sum under fifteen hundred dollars, one vote; from fifteen hundred to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and
50 one vote for every additional three thousand dollars.

Members to have votes proportionate to the amount of their insurance.

19. That at annual meetings, in addition to the election of directors, a report of the transactions of the company for the year, which shall have ended on the previous thirty-first day of

Annual report and statement.

December, shall be presented, and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities.

Notice of annual or special meeting.

20. That notice of any annual or special meeting of the members of said company shall be published in one or more newspapers for at least three weeks previous to the day of such meeting. 5

Quorum of directors.

21. Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the chairman shall have a second or casting vote. 10

Equality of votes.

Directors may convene a general meeting.

22. The board may convene at any time a general meeting of the company upon any urgent occasion; notice to be given as provided by clause twenty.

Directors disagreeing with the majority may record their dissent.

23. Any director disagreeing with the majority of the board at any meeting, may have his dissent recorded, with his reasons therefor. 15

Appointment of managers and other officers.

24. The board may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants as to them may seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as may be required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company, and they shall keep a record of their proceedings. 20 25

Board may adopt a tariff of rates.

Meetings of the board.

The board may pass by-laws.

25. The board of directors may from time to time, make and subscribe such by-laws, ordinances, rules and regulations as to them may appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, and all such other matters as appertain to the business of the company, and are not contrary to the laws of Ontario, and may from time to time alter and amend the same, except in cases with regard to which it is provided that any such by laws shall not be repealed, or where such repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. Every resolution of the board duly entered on the minutes, and confirmed at a subsequent meeting, shall be held to be and have the same force and effect as a by-law of the company. 30 35 40 45

When by-laws are not repealable.

When resolution of the board to have the effect of a by-law.

The board to manage the property, etc., of the company.

26. The board of directors for the time being, shall superintend and have the management of the funds, the property of the company, and of all matters relating thereto, and not otherwise provided for.

Treasurer to give security.

27. The treasurer or other officer having charge of the money of the company, shall give security to the satisfaction of the board of directors in a sum of not less than two thousand dollars for the faithful discharge of his duties. 50

28. No policy of insurance shall be issued by any such company until application shall have been made for insurance, to the extent of one hundred thousand dollars at least, and approved of by the board.

No policy to issue until \$100,000 has been applied for insurance.

29. The company may accept promissory or premium notes for insurances, and may issue policies thereon, said notes to be assessed, for the losses and expenses of the company in manner hereinafter provided.

Company may accept premium notes.

30. It shall be lawful to demand a part or first payment of a premium note at the time that application for insurance is made, and such first payment may be credited upon said premium note or future assessments.

Part payment may be demanded at the time of application for insurance.

31. Forty days after the expiration of the term of insurance the premium note given for such insurance, shall on application therefor, be given up to the signer thereof, provided all losses and expenses with which said note may be chargeable, shall have been paid.

When premium notes to be returned.

32. All premium notes belonging to the company, may be assessed under the direction of the board, by the secretary or other officer appointed by the board for that purpose, at yearly or other intervals, from their respective dates, for their proportion of the losses and other expenditures of said company during the currency of the policies for which said notes were given; and every member of the company or person who has given a premium note shall pay his proportion of said losses and expenditures accruing to the company during the continuance of his policy, in accordance with such assessment; Provided always that notice of such assessment shall be mailed to each member of the company, or person who has given the premium note, at least thirty days before the same shall become payable, directed to his, her or their post office address as given in his, her or their original application, or in writing to the secretary of the company.

Assessment of premium notes.

Proviso—Notice to be given of the assessment.

33. If the assessment on the premium note of any policy or any note given in payment of premium on any policy be not paid within thirty days after the day on which the said note or assessment shall become due, the policy of insurance for which such assessment or note shall have been made shall be null and void: Provided always that the said policy shall be considered revived when such assessment or note shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner provided for in the next preceding clauses, but nothing shall relieve the assured party from his, her or their liability to pay said assessment or note, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such note or assessment shall remain unpaid.

Policy to be void, if assessment is not paid within thirty days,

but shall be revived by subsequent payment.

34. A notice of assessment of any premium note mailed as aforesaid shall be deemed sufficient if it embody the period over which the assessment extends, the amount of the assessment, the time when and the place where payable.

Requisites of notice of assessment.

35. In case of loss or damage by fire the insured or some

Notice of loss.

When claims
to be payable.
Proofs of loss
to be furnished
within thirty
days after loss.

person in his behalf shall forthwith give notice of said loss to the secretary of the company in which the property is insured. A claim shall be payable within three months after proof of said loss has been received by the secretary, and the proofs, declarations, evidences and examinations called for by or under the policy must be furnished to the company within thirty days after said loss, and the assessment for any such loss may commence from the day upon which notice thereof shall have been so received, or from the day on which the loss occurred. 5

Assessment of
premium notes

36. The assessment of premium notes shall always be in 10 proportion to the amount of said premium notes.

Company may
sue for assess-
ments on pre-
mium notes.

37. If any member or other person, who has given a premium note, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay said assessment, the company may sue for and recover the same with cost of suit, and such proceeding shall not be a waiver of the forfeiture incurred by such non-payment. 15

Suits in divi-
sion courts.

38. Any suit cognizable in a division court upon or for any premium or deposit note or notes, or any sum assessed or to be assessed thereon, or upon or for any note or notes given or to be given for cash premiums for insurance to such company, or to any of the officers or agents thereof, may be entered and tried and determined in the court for the division wherein the head office or any agency of such company is situate. 25

Certificate of
the Secretary
to be *prima
facie* evidence
of amount due
to the com-
pany.

39. Whenever any assessment is made on any premium note given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company, specifying such assessment, and the amount due to the company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever. 30

Establishment
of branches.

40. The said company may separate its business into 35 branches or departments.

Scale of risks
to be made for
each branch.

41. The directors of every such company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. 40

Members to be
liable to one
branch only.

42. Members of any such company insuring in one branch shall not be liable for any claims on the other branch.

Expenses to be
divided be-
tween branch
proportion-
ately.

43. All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors may determine. 45

Policies for
cash premiums

44. Any mutual fire insurance company may issue policies and collect premiums in cash for terms of one, two or three years, and parties so paying in cash shall not be liable to any further charge or assessment whatsoever, except as hereinafter provided. 50

45. The company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said company, and for that and for other purposes of the company, the directors may levy an annual assessment on the premium notes held by said company, and such reserve fund may, at the option of the directors, be applied either to pay off the guarantee stock, if any, of said company, or to pay off such other liabilities thereof as cannot be provided for out of the ordinary receipts for the same or any succeeding year: Provided that such reserve fund may be invested either in debentures or other securities of the Dominion of Canada, or in municipal debentures, or may remain in a chartered Bank on deposit at interest.

Reserve fund.

How applied.

How invested.

46. The board of directors of any such company may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes and guarantee stock of the company being held liable to pay the same at maturity: Provided always all the debentures or promissory notes of any one time outstanding, shall not exceed one-fourth of the amount remaining unpaid upon the said premium notes.

Directors may issue debentures and promissory notes for loans.

Assets of the company to be liable for the same.

47. Any company incorporated by this Act may insure dwelling-houses, stores, shops and other buildings, household-furniture, merchandize and machinery, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection.

Re-insurance with other companies.

48. The directors may make arrangements with any mutual or other insurance company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed between them.

Risks that may be insured against.

49. Every mutual insurance company may hold lands, but such lands only as are requisite for the accommodation of the company, in relation to the convenient transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands.

Lands that may be held by the Company.

50. The company shall not deal or trade in buying or selling any goods, merchandize or commodities, nor shall the company in any way exercise the business of banking.

Company not to trade, etc.

51. The company may issue policies for any term not exceeding three years.

Term of policies not to exceed three years.

52. If the assured has a title in fee simple unincumbered to the building or buildings insured and to the land covered by the same, any policy of insurance thereon, issued by the

Policies, where the assured has a title in fee simple unincumbered.

Where the assured has a less estate than a fee simple, or the premises are incumbered, or the assured title is changed.

company, which is signed by the president or vice-president, or any director deputed by the Board for that purpose, countersigned by the secretary or acting secretary, and sealed with the seal of the company, shall be deemed valid and binding on the company, but not otherwise; but if the assured 5 has a less estate therein, or if the premises be encumbered, the policy shall be void, unless the true title of the assured and of the incumbrance on the premises be expressed therein, and in the application therefor, and every change in the title of the insured during the continuance of his policy must be 10 notified to, and receive the sanction of the company, otherwise said policy shall be void.

Policy to be void in case of insurance in any other company unless the directors assent.

53. If an insurance on any house or building or other property subsists by the act or with the knowledge of the insured in the company and in any other office at the same time, the insurance 15 in the company shall be void, unless the double insurance subsists with the consent of the directors signified by endorsement on the Policy, signed by the secretary or other officer authorized to do so, or otherwise acknowledged in writing.

Notification of insurance in another company.

54. Whenever notification in writing shall have been re- 20 ceived by a Company from an applicant for insurance, or from a person already insured, of his intention to insure, or of his having insured an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented to, unless the company so notified shall 25 within two weeks after the receipt of such notice, signify to the party in writing, their dissent; and in case of dissent the liability of the insured on the premium note shall cease from the date of such dissent on account of any loss that may occur to such company thereafter, and the policy of the assured 30 shall be void.

Dissent of the company to the additional insurance.

Policy to be void on alienation of property insured.

55. In case any house or other property, real or personal, be alienated by sale or otherwise, the policy shall be void, and shall be surrendered to the directors of the company, to be cancelled, and thereupon the assured shall be entitled to receive 35 his deposit note or notes, upon payment of his proportion of all losses and expenses that had accrued prior to such surrender, but the grantee or alienee or transferee may have the policy assigned to him, and upon application to the directors such alienee or transferee may have the policy assigned to him, and 40 upon application to the directors such alienee on giving proper security to their satisfaction for such portion of the deposit or premium note as remains unpaid, and with their consent within thirty days next after such alienation may have the policy ratified and confirmed to him for his own use and benefit, and 45 by such ratification and confirmation, said grantee or alienee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject.

Assignee may have the policy assigned and confirmed to him.

Where the premises are altered or risk increased.

56. If any alteration be made in any house or building 50 insured by the proprietor thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the company, whereby it is exposed to greater risk or hazard from fire, than it was when insurance was effected, the 55 insurance thereon shall be void, unless notice thereof be given

in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors, but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon.

- 5 **57.** In case of any loss or damage by fire, happening to any member upon property insured with the company, such member shall give notice thereof in writing to the secretary of the company forthwith, and upon receipt of notice and proofs of claim as required by section thirty-five of this Act the directors shall ascertain and determine the amount of such loss or damage.

Notice of loss.
Directors to determine the amount of loss.

- 58.** If the party be not satisfied with the determination of the directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the board, and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the County Judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

In cases of dispute, the value to be determined by arbitration.

- 20 **59.** No action or suit either at law or in equity shall be brought against such company upon any policy or contract of insurance already granted, or entered into or that may hereafter be granted or entered into, by such company after the lapse of one year, next after the happening of the loss or damage, in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; provided that in all future policies to be issued by such company this section shall be endorsed thereon.

Limitation of suits against company.

This section endorsed upon policies.

- 80 **60.** If upon the trial of such action a greater sum be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against the company with interest thereon from the time such loss or damage would become payable under section thirty five of this Act with cost of suit.

If plaintiff recover more than the directors determine, he shall have excess with interest and costs.

- 85 **61.** If no more be recovered than the amount so previously determined upon by the directors, the Plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the Defendants, and the Defendants shall be entitled to costs against the Plaintiff, as in the case of a verdict for the Defendant.

If no more be recovered than the amount so determined, plaintiff to pay costs.

- 62.** No execution shall issue against the company upon any judgment until after the expiration of six months from the recovery thereof.

When execution may issue against company.

- 45 **63.** Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation, in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Mutual Insurance Company is interested, and may administer the requisite oath or affirmation.

Justices of the Peace may swear and examine witnesses regarding loss.

- 64.** Wilful and corrupt false swearing or affirming, either oral or written, concerning any matter or thing relating to fires,

False swearing to be perjury.

When second-
ary evidence
of documents
admissible.

or fire Insurance in any Mutual Fire Insurance Company, before any magistrate or any one having such lawful authority, to administer an oath or affirmation shall be wilful and corrupt perjury; and notice to the defendant to produce any document in his possession, power, or control, shall in all actions, suits and prosecutions by the said company let in secondary evidence thereof, if the same be not produced pursuant to said notice. 5

Members of
company may
be witnesses,
provided they
be not parties.

65. It shall be no objection to the evidence of any person adduced as a witness in any suit, action or proceeding, civil or criminal, in which any Mutual Insurance Company in Ontario, 10 is a party or interested, that such person is a member of such company, or that his property is insured by it, provided he be not a party to such suit, action, or proceeding named on the record.

Provisions
when the loss
exceeds the
whole amount
of the pre-
mium notes.

66. In case it happens that the whole amount of premium 15 notes is insufficient to pay losses occasioned by any fire or fires, the sufferers insured by the company shall receive towards making good their respective losses a proportionate dividend of the whole amount of such premium notes according to the sums by them respectively insured, and in addition thereto, a sum to be 20 assessed in manner provided by by-law of the directors on all members of the company not exceeding one per cent on the amount by them respectively insured, and members of the company paying their premium in cash may be liable to such assessment, in the same manner as if they had originally given a 25 premium note, and should the directors neglect to assess upon the said one per cent. liability, the Judge of the County Court resident within the municipality in which the company has its head office, shall upon the application of any judgment creditor order the directors of such company to assess upon 30 the said one per cent. liability for the amount required, and shall have power to enforce the said order by fine or attachment.

Cancellation
of Policies.

67. The company shall be at liberty to cancel any policy by giving to the insured notice to the effect that they will 35 cancel the same by registered letter, signed by the secretary of the company, addressed and sent by mail, postage paid, to the post-office address of the insured, as given by him or her in the application for insurance or subsequent writing to the company, or by giving to the insured, personally, notice in writing, signed 40 by the secretary, or an officer or agent of the company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and on payment of all assessments up to such period, shall be entitled to a return of 45 his premium note and such portion of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period, and a condition to this effect shall be endorsed on the policy.

Amount to be
paid by com-
pany after
loss on pro-
perty insured.

Directors
right to retain
the premium
notes.

68. If there be any loss on buildings or other property 50 insured by the company the directors shall not pay the insured more than two-thirds of the value of said buildings or property at risk at the time of the fire, and the amount so paid shall in no case exceed the sum insured; and the directors may retain the amount of the premium note given for insurance thereof, 55. until the time has expired for which insurance has been made,

and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for ; but the company shall not be obliged to retain more than such a portion of said premium note as shall be equivalent to one year's assessment thereon, such assessment to be for the year during which the property insured may have been destroyed by fire, and to commence on the day of the month on which said policy was issued.

69. It being expedient to provide for the speedy and certain payment of losses incurred by enabling Mutual Insurance Companies to possess a guarantee capital ; therefore any Mutual Fire Insurance Company formed under this Act, or any former Act, may raise by subscription of its members or some of them, or of shareholders not being persons assured by the company, or by loan, or otherwise, a guarantee capital of any sum not exceeding five hundred thousand dollars, which guarantee capital shall belong to such company, and be liable for all losses, debts and expenses of the company ; and the subscribers of such capital stock shall in respect thereof have such rights as the directors of the company declare, and fix by by-law to be passed before such capital is raised ; and unless such capital be paid off, such by-law shall not be repealed or altered without the consent of the majority of votes of the shareholders of such capital, either personally or by proxy, at a meeting held for that purpose of the holders of such capital, each holder being entitled to a vote for every share of forty dollars held by him. As the object of such guarantee capital is to provide for the certain and speedy payment of losses, debts and expenses, the directors of any Mutual Insurance Company incorporated under this Act, may pledge as much as, but not more than two-thirds of the premium notes belonging to said company as a security to the subscribers of such guarantee capital.

Guarantee capital.

Rights of subscribers thereto.

70. The directors of the company being proprietors of guarantee stock to the amount of two hundred dollars, on which not less than twenty-five per cent. has been paid up, shall not be required to be also insured therein.

Certain directors not required to be insured in the guarantee stock.

71. The directors of any such company may invest the capital and funds of the company in bank stock, shares in building societies, municipal debentures, and the public securities of the Dominion ; and may issue certificates or scrip for shares in the guarantee capital stock of the company, and may recover in any court of competent jurisdiction any assessment or call on the shares of guarantee capital, or forfeit such shares, and the instalments already paid as they may think fit, on non-payment of such calls after reasonable notice.

Directors may invest the capital and funds of the company in certain securities, and may issue scrip.

Calls.

72. The present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a special Act of the Parliament of Ontario.

Head office can be changed only by Act of Parliament.

73. All the right and estate of the insured, at the time of insurance to buildings insured by the company, and to the lands on which the same stand, mentioned in the application for insurance shall stand pledged to the company ; and said company may sell, demise, or mortgage the same or any part thereof, to meet the liabilities of the insured for his proportion

Company to have a lien on the property insured to meet liabilities of their insured.

Lien must be registered.

of any losses or expenses that may have accrued to the company during the continuance of his policy, provided such liens on said lands or buildings be registered in the registry office of the county in which said lands or buildings are situate in accordance with the form in the schedule appended to this Act, and the registrar shall record the same, or the discharge thereof in the form also given in the said schedule, or to the like effect, on payment of a fee of fifty cents respectively, and the corporate seal of the company shall be sufficient authority to the registrar to register the same without further proof. 5 10

Liability on policies of assignees in insolvency.

74. When any policy shall become vested in an assignee in insolvency, and such assignee shall have given his consent thereto, said assignee shall become liable for all assessments that may be made subsequent thereto, and for the performance of all covenants binding the insured under such policy; and the oath or affirmation of the secretary of the company that such consent has been given by the assignee, shall be sufficient *prima facie* evidence thereof in any court of law, and the company may sue for and recover said assessments in any court of competent jurisdiction, with cost of suit. 15 20

Evidence of consent of assignee.

Renewal of policies issued for a period not exceeding one year.

75. Policies that have been issued for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts instead of policies, on the insured paying the required premiums, and such cash payments for renewal must be made at the end of the year or other period for which said policy was granted, otherwise such policy will become null and void. 25

Annual statement of affairs of company to be made to the Lieutenant-Governor and Legislative Assembly.

76. Every Mutual Insurance Company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session in each and every year, a full and unreserved statement of the affairs of said company, showing and particularizing its assets and liabilities, and shall give a balance sheet of its books at the end of its last fiscal year. 30 35

This Act to apply to companies formed under previous Acts.

77. The provisions of this Act shall, so far as the same can be made applicable apply to any Mutual Fire Insurance Company formed under the Acts at present in force in this Province, and from and after the passing hereof, the Act of the Consolidated Statutes of Upper Canada, intituled, "An Act respecting Mutual Insurance Companies," and all amendments thereto, and all other Acts or parts of Acts, inconsistent herewith shall be, and the same are hereby repealed, but such repeal shall not affect, defeat, or invalidate any policy, contract, suit, proceeding or other matter, or thing whatsoever made, entered into, pending, existing, or in force at the time of such repeal, but the same shall and may remain and continue as if no such repeal had taken place, but as respects all transactions, regulations, modes of assessment and other matters herein provided for, subsequent to this Act taking effect, the provisions contained herein shall prevail. 40 45 50

Inconsistent Acts repealed but not so as to affect existing rights.

SCHEDULE REFERRED TO.

NOTICE OF LIEN ON LAND.

This is to certify that of hath effected insurance against fire with the Mutual Fire Insurance Company on the building standing upon the lands hereinafter mentioned, that is to say upon *(here describe the lands as that portion of Lot No. 3, in the second Con. of more particularly described in the deed hereof, from to the said)* and which are in and by the policy granting such insurance, declared liable for the premium note and assessments made during the continuance of said policy.

Given under the corporate seal of the said company this
day of A.D. 18

President.

Secretary.

DISCHARGE.

The lien created under the certificate of this company and bearing date day of 18 and registered on the day of in the Registry office for the county of is hereby discharged.

Given under the corporate seal of the company this
day of A.D. 18

President.

Secretary.

BILL.

A Bill to Consolidate and amend the Laws having reference to Mutual Fire Insurance Companies, doing business in the Province of Ontario.

First reading, 14th December, 1870.

MR. CARNEGIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies doing business in the Province of Ontario, or elsewhere.

(Reprinted as amended by Select Committee.)

WHEREAS it is desirable and expedient to consolidate and amend the several Acts relating to Mutual Fire Insurance Companies; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Preamble.

FORMATION OF NEW COMPANIES.

1. Ten freeholders in any municipality may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a Mutual Insurance Company.

Meetings to establish companies, — how called.

2. Such meeting shall be called by advertisement, mentioning the time, the place within the county in which the municipality may be situated, and the object of the meeting; and the said advertisement shall be published for three weeks in one or more of the newspapers published in said county.

Advertisement calling such meeting.

3. If thirty freeholders of such municipality are present at such meeting, and a majority of them determine that it is expedient to establish a Mutual Fire Insurance Company, they may elect three persons from among them to open and keep a subscription book, in which the owners of property, movable or immovable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the said Company.

Subscription books.

4. Whenever fifty or more persons, being owners of movable or immovable property in the Province of Ontario, shall have signed their names in said subscription book, and bound themselves to effect insurances in said company, which in the aggregate shall amount to one hundred thousand dollars at least, a meeting shall be called, as hereinafter provided.

When meeting may be called.

5. As soon as convenient after the subscription book shall have been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of said company, at such time and place within the aforesaid municipality as they shall determine; such meeting shall be called by sending a printed notice by mail, addressed to each subscriber at his or her post office, at least ten days before the day of such meeting, and by advertisement in one or more papers published in the county in

How meeting to be called.

which the municipality is situated; said notice and advertisement to contain the object of said meeting, and the time and place at which it shall be held.

Election of directors.

Names of directors to be filed with the Clerk of the Peace.

Thereon the corporation formed.

Meeting of nt directors to elect president and officers.

Power to admit members and insure.

6. At such meeting, after the name and style of the company shall have been adopted, and a secretary *ad interim* appointed, a board of not more than fifteen nor less than five directors shall be elected, and the place named at which such company shall be located, and such name or style shall not thereafter be changed and shall include the appellation of "Mutual," and a copy of the resolution adopting such name or style, and setting forth that such subscription book had been duly signed and the names of the directors elected under the hands of the chairman and secretary, shall be filed in the office of the Registrar of the County or Riding of the county, within which the municipality is situate, and upon the filing of such certificate, the several subscribers above named, and all other persons thereafter effecting insurances therein, shall become members of the said company and shall be a body "corporate" and politic by and under such name so adopted, and as soon after the aforesaid meeting as convenient, the secretary, "*ad interim*" shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer, or manager, and the transaction of such other business as may be brought before them.

7. The company may admit, as a member thereof, the owner of any property, moveable or immoveable, lying within any part of the Province of Ontario, and may insure the same whether the owner thereof be or be not a freeholder, and every person admitted a member of said company by such insurance shall have the same right, and be subject to the same liabilities as the other members of said company.

GENERAL MEETINGS.

Annual meeting to elect directors.

Annual report and statement.

Notice of annual or special meeting.

Members to have votes proportionate to the amount of their insurance.

8. An annual meeting for the election of directors shall be held within two months after the thirty-first of December in each year.

9. At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year, which shall have ended on the previous thirty-first day of December, shall be presented, and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities.

10. Notice of any annual or special meeting of the members of said company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting, and the Board of Directors may convene at any time a general meeting of the company upon any urgent occasion, notice to be given as herein provided by clause twenty.

11. Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: For any sum under fifteen hundred dollars, one vote; from fifteen hundred to three thousand dollars, two votes;

from three thousand dollars to six thousand dollars, three votes ; and one vote for every additional three thousand dollars.

ELECTION OF BOARD OF DIRECTORS.

12. The election of directors shall be held and made by such members of the company as shall attend for that purpose in their own proper persons, or by proxy, and each and every proxy shall bear date not less than three nor more than six months before the election at which they are intended to be used, and shall be filed with the secretary of the company at least three months before said election, and each and every proxy holder shall be a member of the company.

Election of directors.

Proxies.

13. The election of directors shall be by ballot.

Mode of election.

14. If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a plurality of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of directors to be elected. And the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Case of a tie at an election.

Election of a president and vice-president.

15. The directors shall be members of the company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least.

Qualification of directors.

16. The manager of any Mutual Insurance Company may be a director of such company, and may be paid by an annual salary, by resolution or by by-law of the board of directors of said company.

Manager may be a director.

His salary.

17. No agent or paid officer, or employee of any such company, other than the manager, shall be eligible to be elected a director, and no agent, paid officer, or employee shall be allowed to take or hold proxies or to interfere in the election of directors for such company.

Certain persons not eligible to be elected directors or to hold proxies.

18. Three directors shall constitute a quorum for the transaction of business ; and in case of an equality of votes at any meeting of the board, the chairman shall have a second or casting vote.

Quorum of directors.

Equality of votes.

19. Any director disagreeing with the majority of the board at any meeting, may have his dissent recorded, with his reasons therefor.

Directors disagreeing with the majority may record their dissent.

20. If any vacancies happen among the directors during the term for which they may have been elected, by death, resignation, ceasing to have the necessary qualification under the sixteenth section of this Act, insolvency, or being four months continuously absent from the board meetings without the leave of the board, such vacancies shall be filled up for the remainder of the term, by a person or persons duly qualified to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs.

Vacancies in office of director, how filled up.

21. In case an election of directors be not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on any subsequent day within three months from the day appointed for holding the annual election according to the provisions of the by-laws and ordinances of the company, and the directors shall continue in such case to hold office till their successors are elected.

GENERAL POWERS OF THE BOARD OF DIRECTORS.

Appointment of managers and other officers.

22. The board may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants as to them may seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as may be required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company, and they shall keep a record of their proceedings.

Board may adopt a tariff of rates.

Meetings of the board.

The board may pass by-laws.

23. The board of directors may from time to time, make and subscribe such by-laws, ordinances, rules and regulations as to them may appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, and all such other matters as appertain to the business of the company, and are not contrary to the laws of Ontario, and may from time to time alter and amend the same, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where such repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. Every resolution of the board duly entered on the minutes, and confirmed at a subsequent meeting, shall be held to be and have the same force and effect as a by-law of the company.

When by-laws are not repealable.

When resolution of the board to have the effect of a by-law.

The board to manage the property &c. of the company.

24. The board of directors shall superintend and have the management of the funds, the property of the company and of all matters relating thereto, and not otherwise provided for.

Risks that may be insured against.

25. The board of directors may make arrangements with any mutual or other insurance company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed between them.

26. The Board of Directors shall be at liberty to cancel any policy by giving to the insured notice to the effect that they have cancelled or will cancel, the same by registered letter, signed by the secretary of the company, addressed and sent by mail, postage paid, to the post-office address of the insured, as given by him or her in the application for insurance or subsequent writing to the company, or by giving to the insured, personally, notice in writing, signed by the secretary, or an officer or agent of the company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the company

to the time of cancelling the policy, and on payment of all assessments up to such period, shall be entitled to a return of his premium note and such portion of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period, and a condition to this effect shall be endorsed on the policy.

Amount to be paid by company after loss on property insured.

27. The Board of Directors of any such company may invest the capital and funds of the company in shares in mortgages or real estate municipal debentures, and the public securities of the Dominion; and may issue certificates or scrip for shares in the guarantee capital stock of the company, and may recover in any court of competent jurisdiction any assessment or call on the shares of guarantee capital, or forfeit such shares, and the instalments already paid as they may think fit, on non-payment of such calls after reasonable notice.

Directors may invest the capital and funds of the company in certain securities, and may issue scrip.

Calls.

28. The board of directors of any such company may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company being held liable to pay the same at maturity: Provided always all be debentures or promissory notes at any one time outstanding, shall not exceed one-fourth of the amount remaining unpaid upon the said premium notes.

Directors may issue debentures and promissory notes for loans.

Assets of the company to be liable for the same.

POLICES OF INSURANCE.

29. The company may issue policies of insurance for any term not exceeding three years.

Term of policies not to exceed three years.

30. No policy of insurance shall be issued by any such company until application shall have been made for insurance, to the extent of one hundred thousand dollars at least, and approved of by the board.

No policy to issue until \$100,000 has been applied for insurance.

31. The company may insure dwelling-houses, stores, shops and other buildings, household-furniture, merchandize and machinery, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection.

Property which may be insured.

32. If the assured has a title in fee simple unincumbered to the building or buildings insured and to the land covered by the same, any policy of insurance thereon, issued by the company, which is signed by the president or vice-president, or any director deputed by the Board for that purpose, countersigned by the secretary or acting secretary, and sealed with the seal of the company, shall be deemed valid and binding on the company, but not otherwise; but if the assured has a less estate therein, or if the premises be encumbered, then the policy shall be void, unless the true title of the assured and of the incumbrance on the premises be expressed therein, in the application therefor, and every change in the title of the insured during the continuance of his policy must be

Policies, where the assured has a title in fee simple unincumbered.

Where the assured has a less estate than a fee simple, or the premises are incumbered, or the assured title is changed.

notified to, and receive the sanction of the company, otherwise said policy shall be void, provided always that in no case shall a policy be void by reason of any encumbrance placed thereon, effecting an Insurance unless the said encumbrance together with any previous existing encumbrance shall exceed two-thirds of the value of the property insured.

Policy to be void in case of insurance in any other company unless the directors assent.

33. If an insurance on any house or building or other property subsists by the act or with the knowledge of the insured in the company and in any other office at the same time, the insurance in the company shall be void, unless the double insurance subsists with the consent of the directors signified by endorsement on the Policy, signed by the secretary or other officer authorized to do so, or otherwise acknowledged in writing.

Notification of insurance in another company.

34. Whenever notification in writing shall have been received by a Company from an applicant for insurance, or from a person already insured, of his intention to insure, or of his having insured an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented to, unless the company so notified shall within two weeks after the receipt of such notice, signify to the party in writing, their dissent; and in case of dissent the liability of the insured on the premium note shall cease from the date of such dissent on account of any loss that may occur to such company thereafter, and the policy of the assured shall be void.

Dissent of the company to the additional insurance.

Policy to be void on alienation of property insured.

35. In case any house or other property, real or personal, be alienated by sale or otherwise, the policy shall be void, and shall be surrendered to the directors of the company, to be cancelled, and thereupon the assured shall be entitled to receive his deposit note or notes, upon payment of his proportion of all losses and expenses that had accrued prior to such surrender, but the grantee or alienee or transferee may have the policy assigned to him, and upon application to the directors such alienee on giving proper security to their satisfaction for such portion of the deposit or premium note as remains unpaid, and with their consent within thirty days next after such alienation may have the policy ratified and confirmed to him for his own use and benefit, and by such ratification and confirmation, said grantee or alienee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject.

Assignee may have the policy assigned and confirmed to him.

Where the premiums are altered, or risk increased.

36. If any alteration be made in any house or building insured by the proprietor thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the company, whereby it is exposed to greater risk or hazard from fire, than it was when insurance was effected, the insurance thereon shall be void, unless previous notice thereof be given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors, but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon.

Liability on policies of assignees in insolvency.

37. When any policy shall become vested in an assignee in insolvency, and such assignee shall have given his consent there-

to, said assignee shall become liable for all assessments due and that may be made subsequent thereto, and for the performance of all covenants binding the insured under such policy; and the oath or affirmation of the secretary of the company that such consent has been given by the assignee, shall be sufficient *prima facie* evidence thereof in any court of law, and the company may sue for and recover said assessments in any court of competent jurisdiction, with cost of suit.

Evidence of consent of assignee.

PREMIUM NOTES AND ASSESSMENTS.

38. The company may accept promissory or premium notes for insurances, and may issue policies thereon, said notes to be assessed, for the losses and expenses of the company in manner hereinafter provided.

Company may accept premium notes.

39. It shall be lawful to demand a part or first payment of a premium note at the time that application for insurance is made, and such first payment may be made, either by promissory note or cash, and may be credited upon said premium note or future assessments.

Part payment may be demanded at the time of application for insurance.

40. All premium notes belonging to the company, may be assessed under the direction of the board of directors, by the secretary or other officer appointed by the board for that purpose, at yearly or other intervals, from their respective dates, for their proportion of the losses and other expenditures of said company during the currency of the policies for which said notes were given; and every member of the company or person who has given a premium note shall pay his proportion of said losses and expenditures accruing to the company during the continuance of his policy, in accordance with such assessment; Provided always that notice of such assessment shall be mailed to each member of the company, or person who has given the premium note, at least thirty days before the same shall become payable, directed to his, her or their post office address as given in his, her or their original application, or in writing to the secretary of the company.

Assessment of premium notes.

Proviso
Notice to be given of the assessment.

41. If the assessment on the premium note of any policy, or if any promissary note given in payment or part payment of premium on any policy, be not paid within thirty days after the day on which the said note or assessment shall become due, the policy of insurance for which such assessment or note shall have been made shall be null and void: Provided always that the said policy shall be considered revived when such assessment or note shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner provided for in the next preceding clauses, but nothing shall relieve the assured party from his, her or their liability to pay said assessment or note, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such note or assessment shall remain unpaid.

Policy to be void, if any assessment or note is not paid within thirty days.

but shall be revived by subsequent payment.

42. A notice of assessment of any premium note mailed as aforesaid shall be deemed sufficient if it embody the period over which the assessment extends, the amount of the assessment, the time when and the place where payable.

Requisites of notice of assessment.

Assessment
proportion of.

43. The assessment of premium notes shall always be in proportion to the amount of said premium notes.

Company may
sue for assess-
ments on pre-
mium notes.

44. If any member or other person, who has given a premium note, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay said assessment, the company may sue for and recover the same with cost of suit, and such proceeding shall not be a waiver of the forfeiture incurred by such non-payment.

Certificate of
the Secretary
to be *prima*
facie evidence
of amount due
to the com-
pany.

45. Whenever any assessment is made on any premium note given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company, specifying such assessment, and the amount due to the company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever.

Reserve fund.

46. The company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said company, and for that and for other purposes of the company, the board of directors may levy an annual assessment on the premium notes held by said company, and such reserve fund may, at the option of the directors, be applied either to pay off the guarantee stock, if any, of said company, or to pay off such other liabilities thereof as cannot be provided for out of the ordinary receipts for the same or any succeeding year: Provided that such reserve fund may be invested either in debentures or other securities of the Dominion of Canada, or in municipal debentures, or may remain in a chartered Bank on deposit at interest.

Annual assess-
ment.

How applied.

How invested.

When prem-
ium notes to
be returned.

47. Forty days after the expiration of the term of insurance the premium note given for such insurance, shall on application therefor, be given up to the signer thereof, provided all losses and expenses with which said note may be chargeable, shall have been paid.

CASH POLICIES.

48. Any Mutual Fire Insurance Company may issue policies for three years or less, and collect cash premiums therefor; provided that such company shall have a guarantee Capital as provided in section sixty-three invested in Dominion, or Municipal securities, shares in building societies or mortgages on real estate of \$2,000.00 for the first \$100,000.00 in amount of policies issued, and a further sum of \$1,000.00 for every additional \$100,000.00 in amount of policies issued for cash premiums, and persons so paying in cash shall not be liable to any further charge or assessment whatsoever.

Renewal of
policies issued
for a period
not exceeding
one year.

49. Any policy that has been issued for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts instead of policy, on the insured paying the required premiums, and such cash payments for renewal must be made at the end of the year or other period

for which said policy was granted, otherwise such policy will become null and void.

PAYMENT OF LOSSES.

50. In case of any loss or damage by fire happening to any member upon property insured with the Company, such member shall give notice thereof to the secretary of the Company forthwith, and the proofs, declarations, evidences, and examinations, called for by or under the policy, must be furnished to the company within thirty days after said loss, and upon receipt of notice and proofs of claim as aforesaid. The Board of directors shall ascertain and determine the amount of such loss or damage, and the assessment or any such loss may commence from the day upon which notice thereof shall have been received or from the day on which the loss occurred.

51. If the party be not satisfied with the determination of the board of directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the board, and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the County Judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

In cases of dispute, the value to be determined by arbitration.

52. No action or suit either at law or in equity shall be brought against such company upon any policy or contract of insurance already granted, or entered into or that may hereafter be granted or entered into, by such company after the lapse of one year, next after the happening of the loss or damage, in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; provided that in all future policies to be issued by such company this section shall be endorsed thereon.

Limitation of suits against company.

This section endorsed upon policies.

53. If upon the trial of such action a greater sum be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against the company with interest thereon from the time such loss or damage would become payable under section of this Act with cost of suit.

If plaintiff recover more than the directors determine, he shall have excess with interest and costs.

54. If no more be recovered than the amount so previously determined upon by the directors, the Plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the Defendants, and the Defendants shall be entitled to costs against the Plaintiff, as in the case of a verdict for the Defendant.

If no more be recovered than the amount so determined, plaintiff to pay costs.

55. No execution shall issue against the company upon any judgment until after the expiration of three months from the recovery thereof.

When execution may issue against company.

56. Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation, in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Mutual Insurance Company

Justices of the Peace may swear and examine witnesses regarding loss.

is interested, and may administer the requisite oath or affirmation.

False swearing to be perjury. **57.** Wilful and corrupt false swearing or affirming, either oral or written, concerning any matter or thing relating to fires, or fire Insurance in any Mutual Fire Insurance Company, before any magistrate or any one having such lawful authority, to administer an oath or affirmation shall be wilful and corrupt perjury; and notice to the defendant to produce any document in his possession, power, or control, shall in all actions, suits and prosecutions by the said company let in secondary evidence thereof, if the same be not produced pursuant to said notice.

When secondary evidence of documents admissible. **58.** If there be any loss on property insured by the company, the board of directors shall not pay the insured more than two-thirds of the value of said buildings or property at risk at the time of the fire, and the amount so paid shall in no case exceed the sum insured; and the board of directors may retain the amount of the premium note given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for; but the board of directors shall not be obliged to retain more than such a portion of said premium note as shall be equivalent to one year's assessment thereon, such assessment to be for the year during which the property insured may have been destroyed by fire, each year on the day of the month on which said policy was issued.

BRANCHES OR DEPARTMENTS.

Establishment of branches. **59.** The said company may separate its business into branches or departments.

Scale of risks to be made for each branch. **60.** The directors of every such company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other.

Members to be liable to one branch only. **61.** Members of any such company insuring in one branch shall not be liable for claims on any other branch.

Expenses to be divided between branches proportionately. **62.** All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors may determine.

Guarantee capital. **63.** It being expedient to provide for the speedy and certain payment of losses incurred by enabling Mutual Insurance Companies to possess a guarantee capital; therefore any Mutual Fire Insurance Company formed under this Act, or any former Act, may raise by subscription of its members or some of them, or of shareholders not being persons assured by the company, a guarantee capital of any sum not exceeding five hundred thousand dollars, which guarantee capital shall belong to such company, and be liable for all losses, debts and expenses of the company; and the subscribers of such capital stock shall in respect thereof have such rights as the directors of the company declare, and fix by by-law to be passed before such capital is raised; and unless such capital

Rights of subscribers thereto.

be paid off, such by-law shall not be repealed or altered without the consent of the majority of votes of the shareholders of such capital, either personally or by proxy, at a meeting held for that purpose of the holders of such capital, each holder being entitled to a vote for every share of forty dollars held by him.

64. Any director of the company being a proprietor of guarantee stock to the amount of two hundred dollars, on which not less than twenty-five per cent. has been paid up, shall not be required to be also insured therein. Certain directors not required to be insured.

65. The treasurer or other officer having charge of the money of the company, shall give security to the satisfaction of the board of directors in a sum of not less than two thousand dollars for the faithful discharge of his duties. Treasurer to give security.

66. The present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a two-third vote of the members of the company at a special meeting called for that purpose. Head office can be changed only by Act of Parliament.

67. Any suit cognizable in a division court upon or for any premium or deposit note or notes, or any sum assessed or to be assessed thereon, or upon or for any note or notes given or to be given for cash premiums for insurance to such company, or to any of the officers or agents thereof, may be entered and tried and determined in the court for the division wherein the head office or any agency of such company is situate. Suits in division courts where brought.

68. Every mutual insurance company may hold lands, but such lands only as are requisite for the accommodation of the company, in relation to the convenient transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands. Lands that may be held by the Company.

69. Every Mutual Insurance Company shall make and furnish to the Lieutenant-Governor of the Province of Ontario, on or before the fifteenth day of January, in each and every year, a full and unreserved statement of the affairs of said company, showing and particularizing its assets and liabilities, and shall give a balance sheet of its books at the end of its last fiscal year. Annual statement of affairs of company to be made to the Lieut-Governor and Legislative Assembly.

70. The provisions of this Act shall, so far as the same can be made applicable apply to any Mutual Fire Insurance Company formed under the Acts at present in force in this Province, and from and after the passing hereof, the Act of the Consolidated Statutes of Upper Canada, intituled, "An Act respecting Mutual Insurance Companies," and all amendments thereto, and all other Acts or parts of Acts, inconsistent herewith shall be, and the same are hereby repealed, but such repeal shall not affect, defeat, or invalidate any policy, contract, suit, proceeding or other matter, or thing whatsoever made, entered into, pending, existing, or in force at the time of such repeal, but the same shall and may remain and continue as if no such repeal had tak- This Act to apply to companies formed under previous Acts.

Inconsistent Acts repealed but not so as to affect existing rights.

en place, but as respects all transactions, regulations, modes of assessment and other matters herein provided for, subsequent to this Act taking effect, the provisions contained herein shall prevail.

No. 9.

5th Session 1st Parliament, 34 Victoria, 1871.

BILL

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies doing business in the Province of Ontario, or elsewhere.

(Reprinted as amended by Select Committee.)

First reading, 14th December, 1870.

Second reading, 11th January, 1871.

MR. CARNEGIE.

TORONTO:

PRINTED BY HUNTER ROSE & CO. KING ST.

No. 10.]

BILL.

[1870.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty, and chaptered twenty-nine, entitled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That section fifty-one of said Act be amended by inserting 31 Vic., cap. 9
5 after the words "the several County Societies" on the first line, sec. 51, amended.
the words "and Electoral Division Societies," and by inserting
after the word "Act" in the second line the words "or which
may hereafter be organized."

2. That section fifty-five of said Act be amended by erasing Sec. 55 amended.
10 the word "municipality" on the sixth line, and inserting the
words "or within any adjoining township municipality," in
lieu thereof.

3. No sale or conveyance of land by any County or Elec- Former con-
veyances by
societies not
to be void.
15 toral Division Society heretofore made or executed shall be
void or voidable by reason only of the absence of any provision
in the said Act empowering such society to sell or convey the
same.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty, chaptered twenty-nine, entitled "An Act for the Encouragement of Agriculture, Horticulture, Arts and Manufactures;"

First reading, 16th December, 1870.

JAS. TROW.

WODONTO.

An Act to amend the Act passed in the thirty-second year of the reign of Her Majesty, chaptered sixty-one, intituled "An Act to incorporate the Peterborough and Haliburton Railway Company," and the Act amending the same, passed in the thirty-third year of the reign of Her Majesty, chaptered forty.

WHEREAS the Peterborough and Haliburton Railway Company have prayed for certain amendments of their charter and for an extension of the favours upon them thereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in the said in part recited Acts contained, the time for the commencement of the said road shall be extended for one year, and for the completion of the same, for five years, from and after the passing of this Act.

Preamble.

Extension of time for commencing and completing road.

2. The seventh section, together with the subsections thereof of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered forty, is hereby repealed and the following enacted instead thereof:

33 V., ch. 40, s. 7 repealed and other provisions made.

7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall forthwith pass a by-law through a first and second reading, and submit the same to a vote of the ratepayers in that portion of the municipality described in such petition in the same manner as is provided in the one hundred and ninety-sixth section of the municipal act of 1866, chapter fifty-one, except that instead of the polling places named in the by-law being those at which the last election for councillors was held, they shall be at such place or places as the municipal council passing such by-law shall deem most convenient for those eligible to vote thereon. Provided always, that the amount of debentures proposed to be issued under such by-law, together with the interest thereon, shall not require the levying of a rate in any one year on the value of such portion of the municipality, according to the then last revised assessment roll or rolls, exceeding two cents upon the dollar.

If a portion of the municipality desire to aid council to pass a by-law.

Provido.

(1.) And all such by-laws shall be in the form and provide for

Form of, and

provision to be made by, the by-laws.

the issue of the debentures thereunder, and the payment of both the principal and interest thereof, as set out in the fifth section of the Act passed in the thirty-third year of the reign of Her Majesty, chaptered forty, and shall provide for the handing over of the debentures so to be issued to the said railway company, at the times and upon the conditions set out in the petition asking therefor. 5

Debentures when to be issued, and form thereof.

(2.) In the event of the said by-law being approved of by a majority of the duly qualified ratepayers voting thereon, then it shall be the duty of the municipal council of such municipality to forthwith pass the same, and issue the debentures as therein provided, which debentures shall set forth the authority under which the same are issued; shall have coupons attached to each debenture, respectively, for the payment of the interest accruing thereon, half-yearly, until such debenture becomes due, shall be signed by the head and clerk of such municipality, and sealed with the corporate seal thereof. 10 15

Duty of township, town, and village clerks as to steps to levy special rate.

(3.) Whenever any such by-law shall have been passed by a town, village or township municipality, it shall be the duty of the clerk of such municipality to annually ascertain the amount of the principal and interest falling due before the first day of July, in the year following that of the municipal year in which such rate is to be levied under such by law, and to levy the same by an equal special rate on all the ratable property within the bounds, named in such by-law, and for that purpose shall place the same in a separate column on the collector's roll for the then current year, and all the laws now in force, or hereafter in force, for the collection of rates and assessments, and the duties of the several municipal officers in connection therewith, shall apply to those required to be levied and collected under such by-laws. 20 25 30

On a county by-law the clerk to apportion on the local municipalities and notify local clerks.

(4.) Whenever any such by-law shall have been passed by a county municipality, then it shall be the duty of the clerk of the same, in the month of August in each and every year, to ascertain from the then last revised assessment rolls returned to him the total assessed value of that portion of the county municipality covered by such by-law, and also the amount falling due on account of the principal and interest of the debt created by such by-law, on or before the first day of July in the following year, and shall thereupon apportion between each local municipality or part of municipality covered by such by-law, the amount required to be levied and collected by them respectively, according to their respective assessments, as before ascertained, and such county clerk shall, on or before the first of September in each year, notify the clerk of each local municipality as is either in whole or in part covered by such by-law, of the amount required to be levied and collected as aforesaid, together with a certified statement of the portion of the municipality, of which he is clerk, liable to pay the same, and the said clerk, upon the receipt of such notice and certificate, shall place the same upon the roll for the then current year, in the same manner as is provided in the last preceding sub-section; and the treasurer of such municipality shall pay the same over to the treasurer of the county municipality at the same time and in the same manner, and subject to the penalties as is from time to time provided in the case of county assessments. 35 40 45 50 55

Duties of local clerks,

and of local treasurers.

(5.) In the event of the interest on any debenture, or the principal of any debenture, or both, not being paid at maturity, the holder thereof shall be entitled to sue for the same, and such action shall be brought against the municipality passing
 5 such by-law, and in the event of judgment being obtained, and a writ of execution issuing thereunder, the sheriff shall only proceed to collect the amount thereof and all costs thereunder from the portion of the municipality covered by the by-law, as provided in the two hundred and twenty-fourth section
 10 of the Municipal Act of one thousand eight hundred and sixty six, and the municipality issuing the same shall not otherwise than as aforesaid be liable or responsible for the same or any portion thereof. Provided always in the case of a
 county municipality, when the officers of the county have discharged their duty, and some part or parts of the portion of the
 15 county covered by such by-law have duly paid their share of such debt, and the same has been applied in the discharge of the interest and principal falling due within the year so far as it would go, and upon the same being certified to the sheriff
 20 by the treasurer of such county, then the sheriff shall proceed only against such portions of the county as has not duly paid over its quota of rates as hereinbefore required: Provided further, that in the event of any such action being brought
 against a county municipality, it shall be the duty of the clerk
 25 thereof forthwith, after notice of such action to such county municipality, to notify the clerks of the several municipalities, or any portion of which may be included in the bounds prescribed by such by-law.

Liability of municipalities.

Proviso.

Proviso.

3. The by-law passed by the municipality of the town of
 30 Peterboro' on the twenty-eighth day of November now last past (granting a bonus of forty-thousand dollars to the Peterboro' and Haliburton Railway Company) is hereby declared legal and valid, notwithstanding the provisions of an Act passed in the twenty-fourth year of Her Majesty's reign, and amendments thereto,
 35 intitled "An Act to Consolidate the Debt of the Town of Peterboro'", and to authorize the issue of Debentures on the security of town property, and for other purposes," and the debentures to be issued thereunder shall be subject to the same provisions as those authorized under the said last in part
 40 recited Act.

Certain by-laws of the town of Peterboro' are hereby confirmed.

4. In addition to the main line of railway authorized to be constructed by the Acts incorporating the said the Peterborough and Haliburton Railway Company, the said company is hereby
 45 authorized to construct a branch of their railway from any point on their main line to the village of Minden, in the township of Minden, in the county of Peterboro', and all the powers contained in the several Acts incorporating the said railway company shall apply to the construction of the branch railway hereby authorized.

Power to construct a branch to Minden village.

5. The fifth section of the Act passed in the thirty-second
 50 year of Her Majesty's reign, chaptered sixty-one, and intitled "An Act to Incorporate the Peterborough and Haliburton Railway Company," is hereby amended by striking out the word "five" in the first line of the said section, and inserting
 55 the word "three" instead thereof.

32 V., ch. 61.
 s. 5 amended.

6. That in consideration of the municipality of the town of Mayor of

Peterboro' ex-officio a director.

Peterborough having passed a by-law, granting a bonus of forty-thousand dollars to the said the Peterborough and Haliburton Railway Company, the Mayor of the said town, for the time being, is hereby created a director in the said company, and such Mayor shall not require to be a shareholder, or otherwise 5 qualified to be a director in the said company.

Company may mortgage bonds.

7. The said Railway Company may, for advance of money to be made thereon, mortgage and deposit, and transfer by way of mortgage, or as security, and may pledge all or any bonds that may be lawfully issued by the said company. 10

BILL.

An Act to amend the Act passed in the thirty-second year of the reign of Her Majesty, chaptered sixty-one, intituled "An Act to incorporate the Peterborough and Haliburton Railway Company," and the Act amending the same, passed in the thirty-third year of the reign of Her Majesty.

(PRIVATE BILL.)

First Reading, Dec. 16, 1870.

Mr. CARNEGIE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO. KING ST.

An Act to confirm the Deed for the Distribution and Settlement of the Estate of the Honorable George Jervis Goodhue, deceased.

WHEREAS Louisa Goodhue, of the city of London, in the Preamble, etc.
 province of Ontario, widow, Louisa M. Watson, wife of
 Walter Watson, of the city of New York, in the United States
 of America, banker, the said Walter Watson, Charles Frederick
 5 Goodhue of the said city of London, barrister-at-law, Maria
 Goodhue his wife, Frances Cecilia Hammond, wife of Charles
 Stodart Hammond, of the said city of London, esquire, the
 said Charles Stodart Hammond, Harriet Amelia Thomas, wife
 of Francis Wolferstan Thomas, of the city of Montreal in the
 10 province of Quebec, banker, Maria Eliza Tovey, wife of
 Hamilton Tovey, of Stoke, near Devonport in England, a
 Lieutenant in Her Majesty's Royal Engineers, the said Hamil-
 ton Tovey, Mary Gomm Cronyn, wife of Benjamin Cronyn, of
 the said city of London, and the said Benjamin Cronyn, have
 15 presented their petition stating (amongst other things)—

“That the Honorable George Jervis Goodhue, in his lifetime
 “of the said city of London, esquire, departed this life on the
 “eleventh day of January, One thousand eight hundred and
 “seventy, at the said city of London, leaving him surviving the
 20 “said Louisa Goodhue his widow, and the following children,
 “that is to say: the said Louisa M. Watson, wife of the said
 “Walter Watson, the said Charles Frederick Goodhue, the said
 “Francis Cecilia Hammond, wife of the said Charles Stodart
 “Hammond, the said Harriet Amelia Thomas, wife of the said
 25 “Francis Wolferstan Thomas, the said Maria Eliza Tovey, wife
 “of the said Hamilton Tovey, and the said Mary Gomm
 “Cronyn, wife of the said Benjamin Cronyn. That the said
 “Honorable George Jarvis Goodhue duly made and published
 “his last will and testament in writing, bearing date the eighth
 30 “day of December, One thousand eight hundred and sixty
 “nine, and duly executed so as to pass real estate by devise
 “according to the laws of the said province of Ontario, and
 “thereby specifically bequeathed unto Henry C. R. Beecher and
 “Verschoyle Cronyn, therein named, all his household furniture
 35 “of every description, books, plate, pictures, bedding, linen,
 “carriages, horses and cattle, upon trust to permit the said
 “Louisa Goodhue his widow and her assigns during her life to
 “have the uncontrolled use, enjoyment and disposal thereof,
 “and to convey the same or any part thereof from time to
 40 “time absolutely or otherwise to such person in such manner as
 “the said Louisa Goodhue should by writing or by will appoint,
 “and after her decease as to so much thereof as the said
 “Louisa Goodhue had made no such disposal or appointment,
 “the said trustees should hold the same upon the same trusts

Recital of
 Petition,
 setting forth
 the last Will
 of Hon. G. J.
 Goodhue.

" as were thereafter declared concerning the residuary estate
 " of the said testator. And the said testator thereby also
 " specifically bequeathed to be paid out of pure personal estate
 " the sum of Two thousand five hundred dollars to the Church
 " Society of the Diocese of Huron and to Huron College 5
 " respectively. And the said testator further devised to the
 " said Louisa Goodhue the mansion and premises in the said
 " city of London in which he then resided, and being lots
 " Seventeen and Eighteen on the south side of Bathurst
 " Street, and lot Number Eighteen on the north side of Horton 10
 " Street in the said city of London, and also the pasture lot in
 " Westminster containing five acres more or less, purchased
 " from one Dennis O'Brien. To hold to her for her life,
 " without impeachment of waste, and free and clear from
 " taxes and insurance, to be paid out of the testator's residuary 15
 " estate. And the testator devised to his sister-in-law Catherine
 " Goodhue, the widow of his brother Josiah Goodhue, during
 " her life the house and lots on which she then resided in
 " Rockford in the state of Illinois. And subject to the fore-
 " going special bequests and devises, the said testator devised 20
 " and bequeathed the whole of his real and personal estate
 " unto and to the use of the said Henry C. R. Beecher and
 " Verschoyle Cronyn, their heirs, executors, administrators and
 " assigns, in trust for conversion and collection, and for the
 " investment of the proceeds thereof. And the said testator 25
 " directed the following payments to be made thereout, that is
 " to say—

" (a.) His funeral and testamentary expenses.

" (b.) His debts.

" (c.) The two hereinbefore mentioned legacies of two thousand 30
 " five hundred dollars each to the said Church Society of the
 " Diocese of Huron and Huron College respectively.

" (d.) The sum of ten thousand dollars specially appropriated
 " and invested, and the annual income thereof to be paid
 " Elizabeth, widow of George Goodhue, son of the testator, 35
 " during her widowhood.

" (e.) A yearly annuity of six thousand dollars to be paid by
 " even quarterly payments to the said Louisa Goodhue, widow
 " of the said testator, during her life.

" (f.) A yearly annuity of four hundred dollars to be paid 40
 " by even quarterly payments to his sister-in-law, the said
 " Catherine Goodhue, during her life.

" (g.) The taxes and insurance premiums payable upon or in
 " respect of the family mansion and premises specifically de-
 " vised as aforesaid to the said Louisa Goodhue and the said 45
 " testator directed any surplus of the annual income and pro-
 " ceeds of his said estate to be accumulated during the lifetime
 " of his said widow the said Louisa Goodhue, and upon her
 " death the testator directed that the said trustees should hold
 " all the said trust premises rest and residue of his estate then 50
 " undisposed of, and not otherwise disposed of by his said will.
 " In trust to make good any loss that might theretofore have
 " arisen and been ascertained in the investment or control of
 " the several sums of money which he had paid over to the said
 " Henry C. R. Beecher and Verschoyle Cronyn. In trust for 55
 " the testator's children respectively, and which sums and the
 " trusts thereof respectively were more particularly described
 " in certain indentures of settlement six in number, bearing
 " date the eighth day of December, one thousand eight hundred
 " and sixty-nine, and respectively executed by the testator and 60

" the said Henry C. R. Becher and Verschoyle Cronyn, and
 " thereafter. In trust for all the testator's children who should
 " be living at the decease of his said wife in equal shares, and
 " the child or children of such of them as might then be dead
 5 " in equal shares, such grandchild or grandchildren to be en-
 " titled to the share his, her, or their father or mother would
 " have been entitled to if living, the shares going to the
 " testator's daughters to be for their separate use respectively
 " free from the control of their then present or after-taken
 10 " husband; provided that in case the said sister-in-law of the
 " testator should survive his said wife that the said trustees on
 " the decease of his said wife should retain the sum of six
 " thousand five hundred dollars, or securities to that amount,
 " part of the said trust estate, and pay the interest, dividends,
 15 " or other annual proceeds thereof to his said sister-in-law
 " during her life in lieu of her said annuity, and the said sum
 " of six thousand five hundred dollars on and after her death,
 " and the sum of ten thousand dollars appropriated as aforesaid
 " for the benefit of his said daughter-in-law on or after her
 20 " death or marriage, which ever should first happen, and all
 " other reversionary interest, together with the said accumula-
 " tions, should be held and be payable by the said trustees to
 " and for the testator's said children or grandchild or grand-
 " children who were entitled under the trusts in their favour on
 25 " the death of the widow of the said testator, and amongst other
 " clauses, provisos, and declarations contained in the said will,
 " the testator directed that his said residuary real estate should,
 " for the purposes of transmission and the keeping of accounts,
 " be impressed with the quality of personalty from the time of
 30 " the decease of the said testator.

" That the said Testator died seized and possessed of a large
 " amount of real and personal estate. That all of the testator's
 " said children have attained the full age of twenty-one years
 " That the funeral and testamentary expenses and all the debts
 35 " of said testator have been fully paid and satisfied and the said
 " sum of ten thousand dollars, has been appropriated and set
 " apart and is now held by the said Trustees of the said Will in
 " trust for investment and payment of the annual proceeds there-
 " of to the said Elizabeth Goodhue, daughter-in-law of the said
 40 " Testator, as directed by the said Will. That after paying the
 " said two legacies of two thousand five hundred dollars
 " each, to the Church Society of the Diocese of Huron and Hu-
 " ron College respectively, and after making due provision for
 " the security and payment of the said hereinbefore mentioned
 45 " yearly annuities of six thousand dollars, and four hundred
 " dollars, respectively to the Widow and Sister-in-law of the
 " said testator, and for the taxes and premiums of insurance on
 " the family mansion and premises specifically devised as here-
 " inbefore mentioned, to the said widow, during her life and for
 50 " making good any loss that may arise and be ascertained at
 " the decease of the said widow in the investment or control in
 " the several sums of money which the said testator had paid over
 " to the said Henry C. R. Becher and Verschoyle Cronyn, as
 " mentioned in said Will, the residuary estate of the said testa-
 55 " tor is of large value, amounting to more than Three Hundred
 " Thousand Dollars; and the respective shares of the testator's
 " said children, are considerable, and it is desirable that they
 " should respectively enter into the possession and enjoyment of
 " the same, and that this should not be postponed until the de-
 60 " cease of the said widow of the testator. That in order to secure
 " to each of the children of the said testator, the immediate pos-

Recital of
 Petition as to
 facts since
 making the
 Will.

Recital of
partition deed
of 26 Sep-
tember, 1870.

"session and enjoyment of their respective shares in the said
"residuary estate, exclusive of their said reversionary interests
"in the lands specifically devised, to the said widow and sister-
"in-law of the said testator, for their respective lives and of
"the sums to be retained by the trustees for the purposes here- 5
"inafter mentioned, your petitioners entered into, and respec-
"tively executed a certain Indenture, bearing date the twenty-
"sixth day of September, A. D., 1870," a true copy of which is
set forth in the schedule of this Act, marked, "A,"

And therefore, prayed that an Act might be passed in order 10
to confirm the said Indenture, and the several provisions there-
of, and to effectuate the same :

And whereas it is expedient to grant the prayer of the said
petitioners :

Therefore Her Majesty by and with the advise and consent 15
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

Deed of 26th
September,
1870, con-
firmed.

Trustees
under the Will
to carry the
provisions of
the deed into
effect.

1. The said Indenture of the twenty-sixth day of September,
A. D., 1870, in the schedule to this Act, set forth and marked,
"A," is hereby confirmed and declared to be valid, and the said 20
trustees of the estate of the said Honourable George Jarvis
Goodhue, deceased, are hereby authorized and required to car-
ry into effect the several provisions thereof, and in so doing are
hereby saved harmless and indemnified in the premises.

Provisions as
to certain
life interests,
annuities and
charges under
the Will.

2. In case any loss or deficiency shall arise or accrue with re- 25
spect to the trust premises mentioned in the said Indenture,
which are set apart to provide for the payment of the therein
mentioned life interest annuities and charges so that the annual
income or other proceeds of the said trust premises become in-
sufficient to pay the same in full, the said trustees, or the trus- 30
tees for the time being, of the said estate of the said Honourable
George Jarvis Goodhue, deceased, are authorized to make good
any such deficiency, from time to time as and when the same shall
respectively occur, out of the principal of the said trust premi-
ses, respectively, and such principal monies shall respectively 35
stand charged in the hands of the said trustees for the payment
of any such deficiency until the respective periods for the allot-
ment and distribution thereof shall arise under the terms and
provisions of the said Indenture.

Application
may be made
summarily to
Chancery for
direction as to
trusts of the
Will, or
proceeds, and
accounts, etc.

3. Any of the said parties to the said Indenture, or their re- 40
spective representatives, or the said trustees, or either of them,
or the survivor of them, or their successors, under the trusts of
the said will of the said Honourable George Jarvis Goodhue,
may from time to time apply in a summary manner, to the Court
of Chancery, or a judge thereof in Chambers, upon notice to such 45
other of the said parties, or to the said trustees, as the case may
be, as the said court or judge may direct in respect of any
matter or thing connected with the management of the trusts of
the said will or in the disposition of the proceeds of the said
trust estate, or of any part thereof, or in respect of any matter 50
or things connected therewith, or in regard to which the said
court or judge would have jurisdiction in case a Bill or other
proceeding were instituted in said court and obtain the order
and direction of the said court or judge thereupon, and such or-
der may, amongst other things, require the said trustees to sub- 55
mit statements and accounts of the said trust estate, and the
management thereof, and may generally be to the purport or effect
which in the discretion of the said court or judge shall seem
meet.

SCHEDULE "A."

THIS INDENTURE made this twenty-sixth day of September, in the year of our Lord one thousand eight hundred and seventy, Between Louisa Goodhue, of the city of London in the province of Ontario, widow, of the first part, Louisa M. Watson, wife of Walter Watson, of the city of New York in the United States of America, banker, and the said Walter Watson, of the second part, Charles Frederick Goodhue, of the city of London in the province of Ontario, barrister-at-law, and Maria Goodhue his wife, of the third part, Frances Cecilia Hammond, wife of Charles Stodart Hammond, of the said city of London, esquire, and the said Charles Stodart Hammond, of the fourth part, Harriet Amelia Thomas, wife of Francis Wolferstan Thomas, of the city of Montreal in the province of Quebec, banker, and the said Francis Wolferstan Thomas, of the fifth part, Maria Eliza Tovey, wife of Hamilton Tovey, of Stoke, near Devonport in England, a Lieutenant in Her Majesty's Royal Engineers, and the said Hamilton Tovey, of the sixth part, and Mary Gomm Cronyn, wife of Benjamin Cronyn, of the said city of London, barrister-at-law, and the said Benjamin Cronyn, of the seventh part.

Whereas the Honorable George Jervis Goodhue, in his lifetime of the said city of London, esquire, departed this life on the eleventh day of January, One thousand eight hundred and seventy, at the said city of London, leaving him surviving the said Louisa Goodhue his widow, and the following children, that is to say, the said Louisa M. Watson, wife of the said Walter Watson, the said Charles Frederick Goodhue, the said Frances Cecilia Hammond, wife of the said Charles Stodart Hammond, the said Harriet Amelia Thomas, wife of the said Francis Wolferstan Thomas, the said Maria Eliza Tovey, wife of the said Hamilton Tovey, and the said Mary Gomm Cronyn, wife of the said Benjamin Cronyn.

And whereas the said Honorable George Jervis Goodhue duly made and published his last will and testament in writing bearing date the eighth day of December, One thousand eight hundred, and sixty nine, and duly executed so as to pass real estate by devise according to the laws of the said province of Ontario, and thereby specifically bequeathed unto Henry C. B. Becher and Verschoyle Cronyn therein named all his household furniture of every description, books, plate, pictures, bedding and linen, carriages, horses and cattle, upon trust to permit the said Louisa Goodhue his widow and her assigns during her life to have the uncontrolled use, enjoyment, and disposal thereof, and to convey the same or any part thereof from time to time absolutely or otherwise to such person in such manner as the said Louisa Goodhue should by writing or by will appoint, and after her decease as to so much thereof as the said Louisa Goodhue had made no act, disposal or appointment, the said trustees should hold the same upon the same trusts as were thereafter declared concerning the residuary estate of the said testator. And the said testator thereby also specifically bequeathed to be paid out of pure personal estate the sum of Two thousand five hundred dollars to the Church Society of the diocese of Huron and to Huron College respectively; and the said testator further devised to the said Louisa Goodhue the mansion and premises in the said city of London in which he then resided, and being lots Seventeen and Eighteen on the south side of Bathurst Street, and lot

number eighteen on the north side of Horton Street in the said city of London, and also the pasture lot in Westminster, containing five acres more or less, purchased from one Dennis O'Brien, to hold to her for her life without impeachment of waste, and free and clear from taxes and insurance to be paid out of the testator's residuary estate. And the testator devised to his sister-in-law Catharine Goodhue, the widow of his brother Josiah Goodhue, during her life the house and lots in which she then resided in Rockford in the state of Illinois; and subject to the foregoing special bequests and devises, the said testator devised and bequeathed the whole of his real and personal estate unto and to the use of the said Henry C. R. Becher and Verschoyle Cronyn, their heirs, executors, administrators and assigns, in trust for conversion and collection and for investment of the proceeds thereof, and the said testator directed the following payments to be made thereout, that is to say;

(a.) His funeral and testamentary expenses.

(b.) His debts.

(c.) The two hereinbefore mentioned legacies of Two thousand five hundred dollars each to the said Church Society of the diocese of Huron and Huron College respectively.

(d.) The sum of Ten thousand dollars to be specially appropriated and invested, and the annual income thereof to be paid Elizabeth, widow of George Goodhue son of the testator, during her widowhood.

(e.) A yearly annuity of six thousand dollars, to be paid by even quarterly payments, to the said Louisa Goodhue, widow of the said Testator, during her life.

(f.) A yearly annuity of Four hundred dollars, to be paid by even quarterly payments, to his sister-in-law, the said Catherine Goodhue, during her life.

(g.) The taxes and insurance premiums payable upon, or in respect of the family mansion and premises specially demised as aforesaid to the said Louisa Goodhue.

And the said Testator directed any surplus of the annual income and proceeds of his said Estate to be accumulated during the lifetime of his said widow, the said Louisa Goodhue, and, upon her death, the Testator directed that the said Trustees should hold all the said trust, premises, rest and residue of his estate then undisposed of, and not otherwise disposed of by his said will. In trust to make good any loss that might theretofore have arisen and been ascertained in the investment or control of the several sums of money which he had paid over to the said Henry C. R. Becher, and Verschoyle Cronyn. In trust for the testator's children, respectively, and which sums and the trust thereof, respectively, were more particularly described in certain indentures of settlement, six in number, bearing date the eighth day of December, one thousand eight hundred and sixty-nine, and respectively executed by the testator and the said Henry C. R. Becher and Verschoyle Cronyn; and thereafter in trust for all the testator's children, who should be living at the decease of his said wife, in equal shares, and the child or children of such of them as might then be dead, in equal shares; such grand-child or grand-children to be entitled to the share his, her or their father or mother would have been entitled to, if living; the shares going to the testator's daughters to be for their separate use, respectively, free from the control of their then present or after taken husband. Provided, that in case the said sister-in-law of the testator should survive his said wife,

that the said trustees, on the decease of his said wife, should retain the sum of Six thousand five hundred dollars, or securities to that amount, part of the said trust estate, and pay the interest, dividend, or other annual proceeds thereof, to his said sister-in-law, during her life, in lieu of her said annuity; and the said sum of six thousand five hundred dollars on and after her death; and the sum of ten thousand dollars appropriated, as aforesaid, for the benefit of his said daughter-in-law, on and after her death or marriage, whichever should first happen; and all other reversionary interest, together with the said accumulation, should be held and be payable by the said trustees, to and for the testator's said children or grand-child or grand-children, who are entitled under the trust in their favor, on the death of the widow of the said testator. And amongst other clauses provisoes and declarations contained in the said will, the testator directed that his said residuary real estate should, for the purposes of transmission and the keeping of accounts, be impressed with the quality of personality from the time of the decease of the said testator. And whereas the said testator died, seized and possessed of a large amount of real and personal estate. And whereas, all of the said testator's said children have obtained the full age of twenty-one years. And whereas, the funeral and testamentary expenses, and all the debts of the said testator have been fully paid and satisfied, and the said sum of Ten thousand dollars has been appropriated and set apart, and is now held by the said trustees of the said will, in trust, for investment and payment of the annual proceeds thereof to the said Elizabeth Goodhue, daughter-in-law of the testator, as directed by the said will.

And whereas, after paying the said two legacies of Two thousand five hundred dollars each, to the Church Society of the Diocese of Huron, and Huron College, respectively, and after making due provision for the security and payment of the said hereinbefore mentioned yearly annuities of six thousand dollars and four hundred dollars, respectively, to the widow and sister-in-law of the said testator, and for the taxes and premiums of insurance on the family mansion and premises, specifically devised as hereinbefore mentioned, to the said widow during her life, for making good any loss that may arise and be ascertained at the decease of the said widow, in the investment or control in the several sums of money which the said testator had paid over to the said Henry C. R. Becher and Verschoyle Cronyn, as mentioned in said will, the residuary estate is of large value, amounting to more than three hundred thousand dollars, and the respective shares of the testator's said children therein are considerable, and it is desirable that they should, respectively enter into the possession and enjoyment of the same, and that this should not be postponed until the decease of the said widow of the testator. And whereas, the several parties hereto have, respectively, assented and agreed to enter into and execute these presents, in order to secure to each of the children of the said testator the immediate possession and enjoyment of their respective shares in the said residuary estate, exclusive of their said reversionary interests in the lands specifically devised to the said widow and sister-in-law of the said testator for their respective lives, and of the sums to be retained by the trustees for the purposes hereinafter mentioned.

Now these presents therefore witness, and it is hereby respectively covenanted and agreed upon by and between the said respective parties to these presents and their respective heirs, executors, and administrators as follows.

First.—A sufficient sum, not exceeding one hundred thousand dollars, in the securities of the said Trust Estate held by the said trustees shall be set apart, appropriated, and held by the said trustees for the payment out of the annual proceeds thereof of the said annuity of Six thousand dollars to the said widow of the said testator.

Second.—The sum of seven thousand dollars in the said securities of the said Trust Estate shall be set apart, appropriated, and held by the said trustees for the payment out of the annual proceeds thereof of the said annuity of Four hundred dollars or other annuity to the said sister-in-law of the said testator.

Third.—The sum of twenty thousand dollars in the said securities be retained by the said trustees, in order out of the annual proceeds thereof to pay and discharge the said taxes and premiums of Insurance payable in respect of the mansion house and premises of the testator, so as aforesaid specifically devised to the widow of the said testator, and also to pay and discharge such outgoings and expenses and charges of management as may from time to time be incurred or arise.

Fourth.—The sum of ten thousand dollars in the said securities be retained by the said trustees, and the annual proceeds thereof from time to time accumulated by re-investment until the decease of the widow of the said testator, in order to make good out of the said sum, and the said accumulations, any loss that may theretofore arise and be ascertained at the time last mentioned in the investment, and control in the said several sums of money hereinbefore in the said will mentioned to have been paid over to the said testator, to the said Henry C. R. Becher, and Verschoyle Cronyn in the trusts mentioned in the said will.

Fifth.—The residue of the said Trust Estate other than is hereinbefore excepted shall be divided into six separate shares or allotments, of equal value, or as nearly so as circumstances will permit, and such division into the said allotments shall be made as soon as conveniently may be by the said trustees, and in making such allotments, the said trustees shall distribute the said Trust Estate in specie, as the same may then happen to be, and without converting or collecting or assuming to convert or collect the same or any part of the said trust premises, and without making an equal partition of any part of the said Trust Estate, which consists of realty, but treating and considering the whole of the said residuary estate to be allotted as converted into personalty and of the money value ascribed by the said trustees to each part and parcel thereof, and that, in case the said trustees shall neglect or refuse to make such allotment or distribution, or in case they should differ about the same, or in case of the death or removal from this Province, or resignation of either of them, the said trustees, in any of such cases, any of the said parties to these presents (other than the party of the first part) or their representative and representatives may apply to the Court of Chancery or a Judge thereof in a summary manner to appoint one or more referee or referees, by whom such allotment may be validly made. And that, in case of any difference as to which of the said several allotments shall be taken by any of the said children for his or her share respectively, the same shall be determined by lot or drawings by the said trustees or referee or referees (as the case may be), in the presence of at least three of the said children.

Sixth.—When the said several allotments shall have been determined, and the respective shares distributed or assigned to each of the said children, then the said respective shares shall be duly conveyed and transferred according to the respective natures of the several parts of such share unto and to the use of each of the said children, their respective heirs, executors, administrators, and assigns absolutely in severalty, but, provided always that the share allotted to each of the said children being daughters respectively shall be for their respective separate use, free from the control of any present or future taken husband, as directed by the said will.

Seventh.—As and when any of the said hereinbefore excepted trust premises ceases to be subject to the hereinbefore mentioned life interests and annuities and charges respectively, such part of the said trust premises shall then from time to time and as the occasion arises be allotted into six several shares and distributed to each of the said children or their representatives in the mode and by the means referred to in the last preceding paragraph, and the said respective shares shall be respectively conveyed and transferred by the said trustees as in the said last preceding paragraph, directed with respect to the shares therein mentioned.

Eighth.—Inasmuch as it is doubtful whether the hereinbefore agreed upon arrangements for the settlement and distribution by the said widow and children of the said estate of the testator can be legally assigned to or carried into effect by the said trustees by reason of the coverture of several of the said parties hereto, and also from the insufficiency of the powers of the said trustees under the said will, It is hereby further agreed that an application shall be made to the Legislature of the Province of Ontario as soon hereafter as may be, for an Act to confirm these presents, and for such power as may be incidental thereto or necessary in the premises, or for such act in the premises of such a nature and containing such clauses, provisions, and conditions as to the Legislature may seem meet.

Provided always these presents shall be of none effect, unless and until such Act as is contemplated by the last preceding clause is obtained.

In Witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered by Louisa

Goodhue, Charles F. Goodhue, Frances C. Hammond, Francis Wolfertan Thomas, Mary G. Cronyn and Benjamin Cronyn, in presence of W. R. MEREDITH, of London, Attorney at Law.

LOUISA GOODHUE, [L.S.]
LOUISA M. WATSON, [L.S.]
WALTER WATSON, [L.S.]
CHAS. F. GOODHUE, [L.S.]

Signed, sealed and delivered by Louisa

M. Watson and Walter Watson, in presence of JOHN S. ROBERTSON, New York.

MARIA K. GOODHUE, [L.S.]
FANNIE C. HAMMOND, [L.S.]
C. S. HAMMOND, [L.S.]

Signed, sealed and delivered by

Maria Eliza Tovey, and Hamilton Tovey, in presence of E. M. RUSSEL KEMBLE, Surgeon, Plymouth, Devon.

HARRIET ANKELIA THOMAS, [L.S.]
F. WOLFERSTAN THOMAS, [L.S.]
MARIA E. TOVEY, [L.S.]
HAMILTON TOVEY, [L.S.]

Signed, sealed and delivered by Harriet Amelia Thomas, in the presence of J. VINE, Accountant, *Exmouth*. MARY G. CRONYN, [L.S.]
BENJ. CRONYS, [L.S.]

(Signed), { W. R. Meredith as to Signature of
C. S. Hammond.

COUNTY OF MIDDLESEX, { I, William Ralph Meredith, of the
To Wit: { City of London, in the County of Middlesex, Barrister-at-Law, make oath, and say:

1. That I was personally present and did see the within instrument duly signed, sealed and executed by Louisa Goodhue, Charles F. Goodhue, Maria Goodhue, Francis C. Hammond, Francis Wolferstan Thomas, Mary Gomm Cronyn and Benjamin Cronyn, parties thereto.

2. That the said instrument was executed at the City of London, in the County of Middlesex.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument.

Sworn before me at the City of London, in the County of Middlesex, this Twenty-sixth day of September, in the year of Our Lord, 1870. (Signed), W. R. MEREDITH.

(Signed), THOMAS SCATCHERD,
Commissioner for taking Affidavits in B. R., &c.

UNITED STATES.

State of New York, { I, John Campbell Robertson, of the
City and County of N. Y. { City of New York, clerk in the
To Wit: { Banking office of Morton Bliss &
Company, make oath and say:

1. That I was personally present and did see the within instrument duly signed, sealed and executed by Louisa M. Watson and Walter Watson, parties thereto.

2. That the said instrument was executed at New Brighton, Staten Island, in the County of Richmond, State of New York.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument.

Sworn before me at the City of New York, in the County of New York, this Fourth day of October, in the year of Our Lord, 1870. { JOHN C. ROBERTSON.

All of which I certify under my Official Seal.

(Signed), JOHN J. THOMASSON,
Notary Public in and for the City and County of New York.

ENGLAND.

COUNTY OF DEVON, { I, Edmund Marshman Russel Rindle, of
To Wit: { Plymouth, in the County of Devon,
Surgeon, make oath and say:

1. That I was personally present and did see the within instrument duly signed, sealed, and executed, by Maria Eliza Tovey, and Hamilton Tovey, parties thereto.

2. That the said instrument was executed at Stoke, near Plymouth, in the County of Devon.

8. That I know the said parties.

4. That I am a subscribing witness to the said instrument.

Sworn before me at Plymouth, in the }
County of Devon, this twentieth }
day of October, in the year of } E. M. RUSSEL RINDLE.
our Lord, 1870.

All of which I certify under my Notarial Seal,
(Signed), JOHN KELLY,
Notary Public.

COUNTY OF DEVON, } I, Joseph Vine, of Exmouth, in the Coun-
To Wit. } ty of Devon, accountant, make oath and
say :

1. That I was personally present and did see the within In-
strument duly signed, sealed, and executed by Harriet Amelia
Thomas, party thereto.

2. That the said Instrument was executed at Exmouth, in
the County of Devon.

3. That I know the said party.

4. That I am a subscribing witness to the within Indenture.

Sworn before me at Exmouth, in the County of }
Devon, this Twenty-first day of October, in the }
Year of Our Lord One thousand eight hundred } J. VINE.
and seventy.

All of which I certify under my notarial seal.
(Signed), HENRY CRANSTON ADAMS,
Notary Public, Exmouth.

BILL.

An Act to Confirm the Deed for the
Distribution and Settlement of the Estate
of The Hon. George Jervis Goodhue, de-
ceased.

First reading 16th December, 1870.

(PRIVATE BILL.)

HON. MR. CARLING.

TORONTO :

An Act to incorporate the North Grey Railway Company.

WHEREAS Cyrus Richmond Sing, James Paterson, Joseph Rorke, the Honorable John Beverley Robinson, Humphrey Lloyd Hime, Frederick William Coate and Allan McLean Howard have petitioned the Legislature for an Act to construct a Railway from some point on the Northern Railway of Canada, at or near the Town of Collingwood, in the County of Simcoe, to the Village of Meaford, in the County of Grey, with power to extend the same to any other point within the said County of Grey; and it is expedient to grant the prayer of the said Petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Cyrus Richmond Sing, James Paterson, Joseph Rorke, the Honourable John Beverley Robinson, Humphrey Lloyd Hime, Frederick William Coate and Allan McLean Howard, together with such other persons and corporations as shall become shareholders of the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name and style of "The North Grey Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof; and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, and their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

3. The said Company shall have full power and authority to lay out, construct, and complete a double or single iron railway from some point on the Northern Railway of Canada, at or near

the Town of Collingwood, in the County of Simcoe, to the Village of Meaford, in the County of Grey, with power to extend the same to any other point within the said County of Grey, and with full authority to pass over any of the country between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid. 5

Provisional
directors.

4. Cyrus Richmond Sing, James Paterson, Joseph Rerke, James Stewart, James Clelland, John Tyson, James Knott, William Fawsett, William White, Thomas Andrews, The Honourable John Beverley Robinson, Humphrey Lloyd Hime, Frederick William Coate, and Allan McLean Howard 19

15

Their powers.

with power to add to their number, shall be, and are, hereby constituted Provisional Directors of the said Company, and 20 shall hold office as such, until other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys 25 and plans to be made and executed, and as hereinafter provided to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors.

Capital stock
of company.

Application
of the money
raised on the
stock.

5. The capital stock of the Company hereby incorporated, 30 shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act, to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such Company; and the money 35 so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to 40 the making, equipment, and completion of the Railway, and the other purposes of this Act, and to no other purpose whatever.

Municipalities
may aid by
granting
bonuses, etc.

Proviso.

6. And it shall be lawful for any Municipality or Municipality who may desire to assist in the construction of the 45 said Railway, or any part thereof, to aid or assist the said Company by loaning or guaranteeing or giving money by way of bonus, or other means, to the Company, or issuing Municipal bonds to or in aid of the Company, and otherwise in such manner and to such extent as such Municipalities or any of 50 them shall think expedient; Provided always that such aid, loan, bonus, or guarantee shall be given under a By-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts, and all such By-laws so passed shall be valid, notwithstanding 55 that the annual rate of assessment may exceed the aggregate

rate of two cents in the dollar on the actual value of the whole ratable property within the Municipality or portion of a Municipality creating such debt; provided always that in no case shall such rate exceed, for all purposes, three cents in the dollar on the actual value of such ratable property.

7. In case the majority of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of the Municipality, do petition the Council of such Municipality to pass a By-law as hereinafter set out, such petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated; or in the case of a County Municipality the majority of the Reeves and Deputy Reeves for those Townships that may be asked to grant a bonus, do petition the Council of such County Municipality to pass a By-law as hereinafter set out, and in such petition do define the Townships for which they are respectively the Reeves and Deputy Reeves, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said Company for this purpose, and stating the amount which they so desire to grant, and to be assessed therefor; the Council of such Municipality shall pass a By-law, provided the said By-law shall be approved of by the majority of the qualified voters in the portion of the Municipality petitioning as aforesaid, in the manner required by the Municipal Act;

If a portion of the municipality desire to aid, Council to pass a by-law;

(1) For raising the amount so petitioned for by such freeholders or such Reeves or Deputy Reeves in such portion of the Municipality, by the issue of debentures of the Municipality, payable in twenty years, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition.

for issuing debentures;

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, such interest to be payable yearly or half-yearly, which debentures the Municipal Councils and the Wardens, Reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively; and the provisions of the Municipal Acts and of this Act shall apply to any bonus so granted, or by-law so passed, by or for a portion of a Municipality.

for assessing and levying a rate.

8. That any county in which are situated a township or Townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said Railway Company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees, under said Railway Act, the debentures of the county, on a resolution being passed to that effect by a majority of the County Council.

Counties may take debentures issued by townships and give the trustees the debentures of the County.

9. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said Company in the making, equipping and completion of the said Railway, the debentures thereof may, at the option of the said Municipality, within six weeks after the passing of the By-law authorizing the same,

Debentures to be held by Trustees

How Trustees
to be appoint-
ed.

be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Reeves of the Townships of Collingwood, Euphrasia and St. Vincent, or the majority of them, who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Reeve by mail at least fourteen days before the day appointed, all of the trustees to be residents of the Province of Ontario; provided that if the said Reeves shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the Company shall be at liberty to name such other trustee or trustees.

Appointment
of new Trustees.

10. Any trustee appointed may be removed, and in such case, or in case of death or resignation, a new trustee may be appointed in his place at any time, with the consent respectively of the Lieutenant-Governor in Council, a majority of the said Reeves, and the said Company.

Trusts upon
which the
debentures are
to be held.

11. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the City of Toronto, in the name of the "North Grey Railway Municipal Trust Account," and to pay the same out to the said Company from time to time, on the certificate of the Chief Engineer of the said Railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate to be attached to the cheque to be drawn by the said trustees.

Act of two
Trustees to be
binding.

12. The act of any two of such trustees to be as valid and binding as if the three had agreed.

General meeting
for election
of directors;
when to be
called.

13. So soon as one-fourth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks of this Province, for the purposes of the said Company, the Directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing Directors of said Company.

How the meeting
may be called if the
provisional
directors
neglect to call
the same.

14. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of the
general meeting.

15. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the City of Toronto, and in one newspaper published in each of the counties through

which the said railway is intended to pass, once in each week for the space of at least one month, and such meeting shall be held in the City of Toronto, at such place therein and on such day as may be named by such notice.

- 5 **16.** At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors, of whom each of the said Townships of Collingwood, Euphrasia and St. Vincent shall be respectively
10 entitled to at least one Director from amongst the duly qualified persons resident in each of such townships, and may also make or pass rules, and regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

- 15 **17.** No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Qualification of directors.

- 18.** Thereafter the general annual meeting of the Share-
20 holders of the said Company shall be held in such place either in the City of Toronto, the Town of Collingwood or the Village of Meaford, and on such days, and at such hours as the Directors of the said Company may from time to time by resolution declare, and public notice thereof shall be given at least four-
25 teen days previously in the *Ontario Gazette*, and in one or more newspapers published in the Counties through which the Railway runs.

Annual meeting, when and where to be held.

Notice thereof.

- 19.** Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto,
30 the Town of Collingwood or the Village of Meaford, and at such times, and in such manner, and for such purposes as the Directors may from time to time by resolution declare, and public notice thereof shall be given as required in the next preceding section with regard to the general annual meeting of the shareholders of the said Company.

Special general meetings, when and where to be held.

- 35 **20.** The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue
40 bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and
45 considered to be the first and preferential claims and charges upon the undertaking, and the property of the Company real and personal, and then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and insurable interest, *pro rata* with all the other hold-
50 ers thereof upon the undertaking, and the property of the Company as aforesaid. And such bonds may be issued to the extent of nine thousand dollars per mile of the said Railway actually under construction at the time of such issue, provided that the interest upon such bonds shall be guaranteed by the
55 Northern Railway Company of Canada; and provided also that the amount of such bonds issued at any one time, shall not be

Issue of bonds by the Company to raise money.

Bonds may be issued to the extent of \$9,000 per mile.

Northern Railway to guarantee interest.
Proviso.

in excess of the amount actually expended in surveys and works of construction upon the line of the said Railway.

Rights of holders of bonds at annual meeting when interest thereon is unpaid.

21. In the event of the interest upon the said bonds remaining at any time unpaid, and owing then at the next ensuing General Annual Meeting of the said Company, all holders of the said bonds shall have and possess the same rights, and privileges and qualifications for Directors, and for voting, as are attached to Shareholders. 5

Provided—Bonds and transfers are registered.

Provided that the said bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares. 10

Securities may be payable to bearer.

22. All such bonds, debentures, mortgages and other securities and coupons, and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. 15

Company may make promissory notes, etc.

23. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary of the said Company, shall be binding on the said Company; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the President or Vice-President or the Secretary be individually responsible for the same; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 20 25 30

if not intended to be circulated as money.

Scale of votes.

24. Every Shareholder of one or more shares of the said capital stock shall, at any general meeting of the Shareholders, be entitled to one vote for every share held by him.

How stock held by corporations to be represented.

25. At all meetings of the Company the stock held by municipal and other corporations, may be represented by such such person as they shall respectively have appointed in that behalf, by by-law; and such persons shall, at such meetings, be entitled equally with other Shareholders, to vote by proxy. And no Shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such Shareholder shall have been paid up, at least one week before the day appointed for such meeting. 35 40

Only shareholders who have paid up to vote.

Quorum of directors.

26. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. 45

Calls upon shares.

27. The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportions as they may see fit, except that no such instalment, after the first deposit hereby required, shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the Directors' shall think fit. 50

28. Conveyances of lands to the said Company, for the purposes of this Act, may be made in the form set out in the schedule (schedule B) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in
 5 such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Form of conveyance to Company.

How to be registered.

Registrar's fees.

10 29. The gauge of the said railway shall be five feet six inches.

Gauge of Railway.

30. It shall be lawful for the said Company to enter into any agreement with the Northern Railway of Canada for leasing the said North Grey Railway, or any part thereof, or
 15 the use thereof, at any time or times for any period not less than years, to such other Company, or for leasing or hiring from such other Company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, or moveable property, and generally
 20 to make any agreement or agreements with such other Company touching the use by one or the other, or by both Companies, of the railway or moveable property, or either or of both or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor;
 25 and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof, and any company or individual accepting and executing such lease, shall be, and hereby is, empowered to exercise all the rights and privileges in this charter conferred; and in
 30 the event of the said Northern Railway of Canada leasing the line of the North Grey Railway Company, or any part thereof, then all the charter or other powers of the said Northern Railway Company of Canada so far as applicable and not inconsistent with this Act shall relate and extend to the working of
 35 the said line or portion thereof during the term of said lease.

The company may enter into certain agreements with the Northern Railway Company.

31. In any lease of the line of the said North Grey Railway Company to the said Northern Railway Company under the previous section there shall be an agreement on the part of the said Northern Railway Company to carry cordwood over the
 40 said line, and from the said line to Toronto during the months of November, December, January and February in each year at the current lumber rates charged by the said Northern Railway Company.

In leases to Northern Railway Co. there shall be an agreement to carry cordwood to Toronto.

32. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall
 45 have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Rights of alien or non-resident shareholders.

33. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time,
 50 as they may deem expedient, and may also make use of, for the

Company may use lands for gravel pits;

and waters of purposes of the said railway, the water of any stream or water-
 streains. course over or near which the said railway passes, doing, how-
 ever, no unnecessary damage thereto, and not impairing the use-
 fulness of such stream or watercourse.

Railway when 34. The said railway shall be commenced within one year, 5
 to be com- and completed from the point of junction with the Northern
 menced and Railway Canada to the Village of Meaford, within two years
 completed. after the passing of this Act, or else all rights and privileges
 conferred upon the said Company by this Act shall be forfeited.

Interpretation 35. The Interpretation Act shall apply to this Act. 10
 Act to apply.

SCHEDULE A.

CHIEF ENGINEER'S CERTIFICATE.

The North Grey Railway Company's Office, }
 Engineer's Department, A.D., 18 }

No. _____

Certificates to be attached to Cheques drawn on the North
 Grey Railway Municipal Trust Account and given under
 section of Cap. 34 Vic.

I, _____, Chief Engineer for the North
 Grey Railway, do hereby certify that there has been expended
 in construction of mile No. _____ the said mileage being num-
 bered consecutively from _____ the sum of
 _____ dollars to date, and that the total amount
 due for the same from the said Municipal Trust Account
 amounts to the sum of
 _____ dollars, which said sum of
 _____ dollars is now due and payable, as provided
 under said Act.

SCHEDULE B.

Know all men by these presents, that I (or we) (*insert also
 the name of wife or any other person who may be a party*) in
 consideration of _____ dollars,
 paid to me (*or as the case may be*) by the North Grey Railway
 Company, the receipt whereof is hereby acknowledged, do
 grant and convey (and I the said
 do grant and release, or do bar my dower in (*as the case may
 be*) all that certain parcel (*or*) those certain parcels (*as the case
 may be*) of land situate (*describe the land*), the same having
 been selected and laid out by the said Company for the pur-
 poses of their Railway, to hold with the appurtenances unto the
 said the North Grey Railway Company, their successors and
 assigns.

As witness my (*or our*) hand and seal (*or hands and seals*)
 this _____ day of _____ one thousand
 eight hundred and _____

Signed, and delivered in the presence }
 of _____ }

[L. S.]



BILL.

An Act to incorporate the North Grey Railway Company.

(*PRIVATE BILL.*)

First reading, 16th December, 1870.

Mr. Scott (*Grey*).

TORONTO :

Printed by HURD, ROSE & CO.

An Act to authorize the delivery of certain Registry Books in the County of Essex, to the Registrar of Deeds of Wayne County, in the State of Michigan, one of the United States of America.

WHEREAS two books containing a large number of entries relating to lands in Wayne County, in the State of Michigan, one of the United States of America, are now in the custody of the Registrar for the County of Essex, in this Province; And whereas such books originally belonged to said Wayne County, and contain very few entries relating to lands in this Province: And whereas the government of the United States have represented that the absence of the said books from Wayne County, occasions serious inconvenience there, and have requested that the same should be delivered to the Registrar of Deeds for said Wayne County: And whereas it is desirable that authority should be given for the delivery of said books in accordance with the said request.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:

1. That upon copies of the said books being made, and certified by the Judge of the County Court of the said County of Essex, and the Registrar of the said County of Essex, to be retained by such Registrar, it shall be lawful for the Lieutenant-Governor to direct that the said original books be delivered to the Registrar of Deeds of Wayne County aforesaid.

2. Such copies of said books shall be to all intents and purposes accepted, used and received as the original books, and as *prima-facie* evidence that such copies are true copies of the original books, and extracts therefrom shall be held to be as good and valid as if such extracts had been made from the original books.

Lieutenant-Governor may direct that two Registry books be transferred from county of Essex to the United States.

Copies to be left in county of Essex to stand as originals.

BILL.

An Act to authorize the delivery of certain Registry Books in the County of Essex, to the Registrar of Deeds of Wayne County, in the State of Michigan, one of United States of America.

First Reading 49th December, 1870.

Hon. Atty.-Gen. MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act passed in the thirty-third year of Her Majesty's reign, Chapter Thirty, and entitled "An Act to incorporate the Toronto, Simcoe and Muskoka Junction Railway Company."

WHEREAS the Toronto, Simcoe and Muskoka Junction Railway Company have prayed for certain amendments to their Charter, and for an extension of the powers conferred upon them thereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All By-laws passed by any municipality or voted upon by the ratepayers of any municipality, when passed for the purpose of aiding the said Toronto, Simcoe and Muskoka Junction Railway Company, under the sixth section of the Act passed in the thirty-third year of Her Majesty's reign, chapter thirty, intituled "An Act to incorporate the Toronto, Simcoe and Muskoka Junction Railway Company," and all debentures issued or to be issued under such by-law or by-laws shall be and are hereby declared to be legal and valid: Provided such by-law or by-laws have been adopted by a majority of legally qualified ratepayers who have voted thereon; and the said sixth section of said Act is hereby declared to authorize and to have authorized any municipality interested in any wise in the construction of said Toronto, Simcoe and Muskoka Junction Railway, to aid the said Company under the said section.

2. The said Toronto, Simcoe and Muskoka Junction Railway Company shall have power to issue mortgage bonds of the Company in the manner provided by the twentieth section of the said recited Act, to the extent of nine thousand dollars per mile of the said Railway actually under construction at the time of such issue, any provision of the said recited Act to the contrary notwithstanding; Provided that the payment of the interest of such bonds shall be guaranteed by the Northern Railway Company of Canada; And provided also that the amount of such bonds issued at any one time shall not be in excess of the amount actually expended in surveys and works of construction upon the line of the said Railway.

Preamble.

By-laws passed or voted upon, and debentures issued thereunder declared legal.

Provided.

21 Vic., cap. 39, sec. 6, declared to authorize municipalities interested in the Railway to aid the Co.

Power to issue Mortgage bonds to the extent of \$9,000 per mile.

Provided—Northern Railway Co. to guarantee the interest.

Provided—Limitation as to the issue of bonds.

BILL.

An Act to amend the Act thirty-three
Victoria, Chapter Thirty, intitled "An
Act to incorporate the Toronto, Simcoe
and Muskoka Junction Railway Com-
pany.

(PRIVATE BILL.)

First Reading, 19th Dec., 1870.

Mr. CUMBERLAND.

TORONTO:

An Act to authorize the Midland Railway Company of Canada, to consolidate its Mortgage Debts, and to issue new Bonds, and for other purposes.

WHEREAS there are now outstanding first preference bonds of the Midland Railway Company of Canada, to the amount of one hundred and ten thousand pounds sterling money of Great Britain; and second preference bonds to the amount of one hundred and twenty-five thousand pounds sterling money of Great Britain, but the latter are not charged upon the whole of the said Company's lines of Railway and property; and the Company are desirous, and it is expedient that they be authorized with the consent of the holders of the said bonds, to redeem and cancel such bonds and to issue new consolidated bonds, as by this Act provided; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Company, with the consent of the majority in value of the holders of each of the said classes of bonds respectively, and with the consent of a majority of two thirds in value of the stockholders of the said Company present at a meeting specially convened for that purpose, may call in and pay off, or cancel, all or any of their outstanding bonds, constituting the whole or parts of the said sums of one hundred and ten thousand pounds sterling, and one hundred and twenty-five thousand pounds sterling, or exchange the same for new bonds to be issued as hereinafter provided.

Company may with consent of bondholders and shareholders call in outstanding bonds;

or exchange for new bonds.

2. The Company may, with the consent of a majority of two thirds of the shareholders thereof, at a meeting specially called for the purpose, make and issue new consolidated bonds for such amount, as, including so much of said existing bonds as the holders thereof shall refuse to exchange for, or to be redeemed by means of the said consolidated bonds, shall not exceed three hundred and thirty-five thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere, as the Company may think expedient, and to bear interest at a rate not exceeding six per cent. per annum, payable half-yearly; and the repayment of the principal of such new bonds, may be secured by a sinking fund, payable out of the annual revenue, for such period of such amount and otherwise, as the Company may think fit to agree upon when issuing such consolidated bonds, with the intended holders thereof, and such new bonds shall, without registration or formal conveyance, but subject to the rights of such of the holders of the said existing bonds in the recital of this Act mentioned, as may not consent to be redeemed, or to exchange their said bonds for the said consolidated mortgage bonds by this Act authorized, and

Company may with consent of two-thirds of shareholders issue new bonds.

Not to exceed £335,000 stg.

Sinking Fund.

Subject to existing rights.

New bonds a first lien on property and franchises of company.

subject to the rights of municipalities in respect of any liens for advances made by them before the passing of this Act, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company real and personal and then existing, and at any time 5 thereafter acquired, and all extensions made or to be made thereof and the franchises of the said company; and each holder of the said bonds, shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof, upon the aforesaid undertaking and property of the company and all 10 extensions thereof, and the franchises of the company as aforesaid, in priority to all other charges and incumbrances whatsoever, save as are hereinbefore excepted.

Bondholders may enforce payment of arrears by appointment of a receiver.

8. The holders of the said or new consolidated bonds may, from time to time, without prejudice to any other right or remedy, enforce payment of any arrears of interest, and in respect of said sinking fund or either, by the appointment of a receiver; and the Court of Chancery may, upon the application of the holders of said bonds, for an amount of not less than twenty-five thousand pounds, upon which any principal or interest or payments towards sinking fund shall be in arrear, appoint 20 a receiver accordingly.

BILL.

An Act to authorize The Midland Railway of Canada to Consolidate its Mortgages, and for other purposes.

(PRIVATE BILL.)

First reading, Dec. 20, 1870.

MR. WILLIAMS, (*Durham.*)

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate The Streetsville and Port Credit Junction Railway Company.

WHEREAS, it is highly desirable that a Railway should be made from some point on the line of the Great Western Railway, at Port Credit to the village of Streetsville, in the Township of Toronto, in the County of Peel, and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway, with power to extend the same; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. James Gooderham, Reeve, William Barber, M.P.P., Robert Cotton, F. C. Capreol, Thomas Beatty, George Turner, William Beatty, J. Embleton, W. J. Penney, together with such persons and corporations as shall under the provisions of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Streetsville and Port Credit Junction Railway Company.

2. The said company hereby incorporated, shall have full power under this Act to construct a railway from Port Credit, at or near such point on the line of the Great Western Railway, as may be found most eligible to the village of Streetsville aforesaid, with power to extend the said Railway to the town of Milton, or along the Valley of the Credit to a point not exceeding twenty miles from Streetsville.

3. All the provisions of the Act of Parliament of Upper Canada, passed in the fourth year of the reign of his late Majesty King William the Fourth, and intituled "An Act to incorporate the London and Gore Railroad Company," and the Acts of the Parliament of the former Province of Canada reviving, extending or amending the same, or relating to the company thereby incorporated and now called "The Great Western Railway Company," which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters not provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the company hereby constituted, and the railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said company and the said railway; and all the provisions of the said Acts, which are so incorporated with this Act shall be intended and included by the ex-

Preamble.

Incorporation.

Name.

Line of Railway authorized.

Act 4th, Wm. IV., &c., incorporated therewith and apply to the Company.

pression "this Act," whenever it is used herein; but in so far only as the provisions of said Acts, or any part thereof respectively may be construed to have reference to any act, deed matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

5

Capital.

4. The capital stock of the said company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

Provisional Directors.

5. From and after the passing of this Act, the Hon. John Carling, James Gooderham, William Barber, F. C. Capreol, 10 and Oliver Hammond shall be provisional directors, and a majority of the said provisional directors shall be a quorum, and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company, until the board of directors, hereafter provided to be appointed by the shareholders, shall have been elected in accordance with the provisions hereafter made in that behalf. 15

Powers of Provisional Directors.

6. The persons named in the fifth clause hereof are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of directors 20 under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books, and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the *Ontario Gazette*, of the time and place of their meeting, to receive subscriptions 25 of stock; and the said provisional directors may cause surveys and plans to be made and executed and to acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors. 30

No subscription valid unless ten per cent. paid thereon.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors, and such ten 35 per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall 40 have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway. 45 50

Allocation of stock in certain cases.

General meeting for election of directors, when to be called.

8. So soon as one twenty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bona fide* paid thereon, and deposited in one or more of the chartered banks of this Province, for the purposes of the company, the hereinbefore mentioned directors, or a majority of 55

them, shall call a meeting of the shareholders of the said company, at such time and place as they may think proper, giving at least two weeks' notice in the *Ontario Gazette*, at which meeting the shareholders shall elect five directors from the 5 shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

9. The annual general meeting of the shareholders for the election of directors, and other general purposes, shall be held 10 at the city of Toronto, or elsewhere, within this Province, as may be appointed by By-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication, as provided in the last preceding clause. Annual meeting.

15 10. No person shall be elected a director of the said company unless he shall be the holder and owner of at least twenty shares in the stock of the said company, and shall have paid up all calls made thereon. Qualification of directors.

11. No call to be made at any time upon the said capital 20 stock shall exceed ten per centum on the subscribed capital. Calls.

12. All deeds and conveyances for land required by the said company, may be in the form given in Schedule B annexed, and all Registrars are required to register the same on the production of a duplicate thereof, with an affidavit of due execution, 25 and for so doing the company shall pay to the said Registrar the fee of fifty cents, and no more. Form of conveyance.

13. And it shall further be lawful for any municipality or municipalities, through any part of which, or near which the railway or works of said company shall pass or be situated, to 30 aid or assist the said company, by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient, provided always 35 that such aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the act respecting municipal institutions for the creation of debts, and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate 40 of two cents in the dollar on the actual value of such rateable property, provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole rateable property within the municipality, or portion of a municipality, creating such debt. Municipalities may aid by granting bonuses, &c.

45 14. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing 50 the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law. If a portion of the municipality desire to aid, Council to pass a by-law.

for issuing debentures.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition ; 5

for assessing and levying rate.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively ; 10

By-law to be approved by electors.

Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the municipal act of eighteen hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid. 15

When a bonus is granted, the Company may enter into an agreement to expend such bonus within the municipality.

8. Whenever any municipality, or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such bonus upon works of construction within the limits of the municipality granting the same. 25

Debentures to be held by trustees.

15. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor may, at the option of the said municipality, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor of the council, one by the said company, and one by the council of the municipality granting the bonus, all the Trustees to be residents of the Province of Ontario : Provided that if the Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the two other trustees, the company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in council. Provided also, that the said Reeves shall appoint the said trustees to be named by them, by vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose : notice of which shall be sent to each Reeve by mail at least fourteen days before the day appointed, and if the said Reeves then fail or neglect to name such trustee, the said company shall be at liberty to name one in the place of the trustee to have been named by the said Reeves. 30 35 40 45 50

How the trustees are to be appointed.

Appointment of new trustees.

16. Any trustee appointed may be removed and a new trustee appointed in his place at any time by the consent of the Lieutenant-Governor in council, a majority of the said reeves and the said company.

17. The said trustees shall receive the said debentures in trust; Firstly, to convert the same into money; Secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an Office in Toronto in the name of the "Streetsville and Port Credit Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the Chief Engineer of the said railway in the form set out in Schedule "A" hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done, and such certificate to be attached to the cheques to be drawn by the said trustees.

Trusts on which the debentures are to be held.

18. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Act of two Trustees to be binding.

19. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration, or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrance *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount paid up, Municipal and other Bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line; and provided, also, further that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Directors may issue bonds.

Not to exceed \$200,000.

Bonds to be registered.

20. Twenty thousand dollars, at least, of the said capital stock shall be subscribed, and the said deposit in cash of ten per centum thereon shall be made, and the said line of railway be *bona fide* commenced within two years from the passing of this Act; or that the said line of railway be wholly completed within four years, then this charter and the privileges thereby conferred shall become forfeited. And in the event of non-compliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect.

When work to be commenced and conditions.

Company may
purchase lands
and for what
purposes.

21. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits, or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time as they may deem expedient.

May enter into
agreement
with other
companies for
use of road,
&c.

22. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, or such other railway company, as well as any other corporation, may agree upon any terms as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario, to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the Charter conferred.

Municipalities
may exempt
property of
Company from
taxation, or
make compensation, etc.

23. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate by by-law, specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or compensation for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient.

Preliminary
expenditure to
be paid from
the funds of
the Company.

24. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the Provisional Board of Directors.

SCHEDULE A.

CHIEF ENGINEER'S CERTIFICATE.

THE S. AND P. C. I. RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A.D. 18 .

No

Certificate to be attached to cheques drawn on the S. and P. C. I. Railway Municipal Trust Account, and given under section of cap. 33 Vic.

I, Chief Engineer for the S. and P. C. I. Railway, do hereby certify, that there has been expended in the construction of mile No. , (the said mileage being numbered consecutively from) the sum of dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

SCHEDULE B.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the S. and P. C. I. Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said do grant and release, *or* do bar my dower in (*as the case may be*) all that certain parcel, *or* those certain parcels (*as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company, for the purposes of their Railway, to hold with the appurtenances unto the said the S. and P. C. I. Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered, in the
presence of)

[L.S]

BILL.

An Act to incorporate the Streetsville and
Port Credit Railway Company.

(*PRIVATE BILL.*)

First reading 20th December, 1870.

MR. COYNE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to enable the Municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain By-laws granting aid to the said Company.

WHEREAS the Corporation of the town of Belleville have Preamble.
 passed a by-law granting aid by way of bonus to the Grand Junction Railway Company to the extent of one hundred thousand dollars: And whereas the Corporation of the township of Seymour also have passed a by-law granting aid by way of bonus to the said Railway Company to the extent of thirty-five thousand dollars: And whereas the validity of said by-laws is questioned for want of power in the said municipalities to grant such aid, and the said Railway Company have by their petition prayed that the said by-laws should be legalized: And whereas the said Company have also by their said petition further prayed for an Act authorizing the several municipal corporations along or contiguous to the line of their railway to grant aid by way of bonus to assist in the construction of said railway, and it is expedient to grant the prayer of the said petitioners. Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That the by-law numbered By-law of the
 Corporation of the town of Belleville, and intituled, "A By-law to raise the sum of One hundred thousand dollars as a bonus to be given by the Municipality of the town of Belleville to the Grand Junction Railway Company," be and the same is hereby declared legal, binding and valid upon the said Corporation of the said town of Belleville and all others whomsoever.

2. That the by-law numbered By-law of the
 Corporation of the township of Seymour, and intituled, "A By-law to provide for the aiding and assisting in the construction of the Grand Junction Railway, and for the issuing of debentures therefor to the amount of Thirty-five thousand dollars, to be given by way of Bonus to the said Grand Junction Railway Company by the Municipality of the township of Seymour," be and the same is hereby declared legal, valid and binding upon the said last named Corporation and all others whomsoever.

3. That any by-laws passed after the nineteenth day of December, one thousand eight hundred and seventy, and before the passing of this Act, by any municipal corporation along or near to the line of the said the Grand Junction Railway Company's proposed railway (and which have been confirmed if

voted on and
sanctioned.

voted upon by the people, and sanctioned in the manner provided for in the Municipal Acts in force in this province), granting aid by way of bonus to the said Railway Company, shall be valid and binding upon the said corporations so passing the same as fully as if the said by-laws had been 5
passed after the passing of this Act, any law or statute to the contrary notwithstanding.

Municipalities
adjacent to
Railway may
aid the Rail-
way.

4. That the several Municipal Corporations along the line of the said proposed Railway, and also any Municipal Corporation near to the said proposed line may grant to the said Railway 10
Company such sum of money or debentures as may by the said Municipal Corporations, respectively, be thought advisable in the way of bonus or donation, to aid in the construction or equipment of said Railway, or for any of the works authorized under the charter of the said Company, to be undertaken; and 15
it shall and may be lawful for the said Company to accept of such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the purpose for which the same were granted.

If a portion of
a municipality
desire aid the
Railway,
council to pass
a by-law,

5. In case a majority of the persons rated on the last assess- 20
ment-roll as freeholders in any portion of the Municipality, do petition the Council of such Municipality, the said petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the con- 25
struction of the said Railway, by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed there-
fore, the Council of such Municipality shall pass a By-law. Provided the said By-law shall be approved of as in sections 30
two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of 1866, chaptered fifty-one, by the majority of qualified electors in that portion of the Municipality petitioning as aforesaid:—

to be approved
by the elec-
tors;

for issuing
debentures;

(1.) For raising the amount so petitioned for by the freehold- 35
ers in such portion of the Municipality, by the issue of debentures of the Municipality, payable within twenty years, and for the payment to the said Company of the amount of said bonus or donation at the time and on the terms specified in said petition.

for assessing
and levying a
rate.

(2.) For assessing and levying upon all the ratable property 40
lying within the section defined by said petition, an annual special rate sufficient to include a sinking fund for the re-pay-
ment of said debentures, with the interest thereon, which Municipal Councils are hereby authorized to execute and issue in such cases respectively.

BILL.

An Act to enable the Municipalities
the line of the Grand Junction Rail
Company to grant aid thereto, an
legalize certain By-laws granting aid
said Railway Company.

First Reading, 20th Dec., 1870.

Mr. GRAHAM, *Haslin*

An Act to amend the Law as to the Fees of Registrars.

WHEREAS the number of registrations, extracts, and searches has become so large in divers Registry Offices, that the income therefrom is now excessive; And whereas the like result may be expected in other Registry Offices; And whereas it is expedient to make some provision in the premises;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Each Registrar shall be entitled to retain to his own use in each year, all the fees and emoluments received by him in that year, up to two thousand dollars. Registrar to be entitled to all fees up to \$2,000;
2. Of the fees and emoluments received by each Registrar in each year exceeding two thousand dollars, but not exceeding three thousand dollars, he shall be entitled to retain to his own use two-thirds, and no more. of two thirds of the fees over \$2,000 and under \$3,000;
3. Of the fees and emoluments received by each Registrar in each year exceeding three thousand dollars, but not exceeding four thousand dollars, he shall be entitled to retain to his own use one-half, and no more. of one half of the fees over \$3,000, and under \$4,000;
4. Of the fees and emoluments received by each Registrar in each year, exceeding four thousand dollars, he shall be entitled to retain to his own use one-third, and no more. and of one-third of the fees exceeding \$4,000.
5. With the return required by the seventy-fourth section of the Registration of Titles (Ontario) Act, to be made by each Registrar on the fifteenth day of January in each year, each Registrar shall transmit to the Treasurer of the Province, for the uses thereof, yearly, such proportions of his fees and emoluments as under this Act he is not entitled to retain to his own use. Registrar to make a return of his fees to the Treasurer.
6. This Act shall not apply to any fees or emoluments actually received before the first day of January, in A. D., 1871. Act not to apply to fees received before 1st Jan., 1871.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to Amend the Law as to the Fees
of Registrars.

First Reading, 20th December, 1870.

MR. EVANS.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act to regulate the sale of Poisons, and respecting
Chemists, Druggists, and Apothecaries.

WHEREAS it is expedient for the safety of the public that persons engaged in the sale of dangerous, poisonous and medicinal substances, should be acquainted with their nature and uses; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. From and after the first day of July, in the year of our Lord one thousand eight hundred and seventy-one, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons, or to sell or attempt to sell any of the articles mentioned in Schedule A of this Act, or to assume or use the title "Chemist and Druggist," or "Chemist" or "Druggist," or "Pharmacist Apothecary" or "Dispensing Chemist" or "Druggist," in any part of the Province of Ontario, unless such person shall be registered under this Act, nor unless such person has taken out a certificate under the provisions of section twenty-one of this Act, for the time during which he is selling, or keeping open shop for retailing, dispensing or compounding poisons, or assuming or using such title.

Restriction on sale of poisons, etc., and on assumption of certain titles.

2. The several articles named or described in Schedule A, shall be deemed to be poisonous within the meaning of this Act, and the Council of the Ontario College of Pharmacy, hereinafter mentioned, may, from time to time, by resolution, declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Society shall submit the same for the approval of the Lieutenant-Governor in Council, and if such approval shall be given, then such resolution and approval shall be advertised in the *Ontario Gazette*, and on the expiration of one month from such advertisement, the article named in such resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions of this Act, or such of them as may be directed by the Lieutenant-Governor in Council.

Certain articles to be deemed poisonous.

3. It shall be unlawful to sell any poison named in the first part of Schedule A, either by wholesale or retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word "Poison," and, if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold; and it shall be unlawful to sell any poison mentioned in the first part of Schedule A, to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the person actually selling the same shall, before delivery, make an entry in

Certain poisons to be sold only in a certain manner.

a book to be kept for that purpose, in the form set forth in Schedule B to this Act, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed. 5

The Ontario
College of
Pharmacy,
formation of.

4. For the purpose of more effectually carrying out the objects of this Act, it shall be lawful for the persons at the time of the passing of this Act engaged as principals or assistants in the business of an Apothecary, or Chemist and Druggist, to form themselves into a society to be called "The Ontario College of Pharmacy," and every person so engaged in business on his own account, and every person who, at the time of the passing of this Act, has served an apprenticeship of three years, and has acted as Druggist's assistant for one year, shall, upon payment of a fee of four dollars to the Treasurer of the said Society, be entitled to be enrolled as a member of the said Society, and every person so engaged as a clerk, assistant or apprentice, on payment of a fee of two dollars, shall be entitled to be enrolled as an associate of the said College. 10 15 20

Admission of
members.

5. Any associate may, upon passing such an examination as may be prescribed by the Council, be admitted and enrolled as a member of the said College.

The Ontario
College of
Pharmacy
incorporated.

6. William Elliot, Hugh Miller and W. H. Dunspaugh, of the city of Toronto; John Winer and A. Hamilton, of the city of Hamilton; B. A. Mitchell and William Saunders, of the city of London; E. H. Parker, of the city of Kingston; John Brown and John Roberts, of the city of Ottawa; S. J. Parker, of the town of Owen Sound; James Mills, of the town of St. Catharines; J. Hawkes of the town of Cornwall; F. Brendon, of the town of Brantford; F. Jordan, of the town of Goderich; C. Stork, of the town of Brampton; C. Brent, of the town of Port Hope; E. Gregory, of the town of Lindsay; A. W. Kempt, of the town of Peterborough; and Henry John Rose, of the city of Toronto; and such other persons as may become members or associates of the said College, under the provisions of this Act, shall be and are hereby constituted a body politic and corporate under the name of "The Ontario College of Pharmacy." 25 30 35 40

Provisional
Directors, etc.

7. Until other persons be elected, as hereinafter provided, the thirteen persons first hereinbefore named, shall be the Council, or Board of Directors of the said Society, and shall act as a Board to grant certificates of competency to conduct the business of a Chemist and Druggist, and to be registered under this Act; and the said Henry John Rose shall be Provisional Registrar of said society; the first meeting of said Council shall be held on the first Friday in July, one thousand eight hundred and seventy, at the city of Toronto, at such time and place as the Provisional Registrar and any two of the above named persons may fix, and of which notice shall be given for at least four weeks prior thereto in the *Ontario Gazette*. 45 50

H. J. Rose to
be Registrar.
First meeting.

Council, of
whom com-
posed.

8. The said Pharmaceutical Council to be elected as hereinafter mentioned, shall consist of thirteen members, who shall hold office for two years. Any member of said Council may, at 55

any time resign by letter directed to the Registrar of said College; and in the event of any vacancy occurring, the remaining members of the Council shall fill up such vacancy from the members of the College.

Resignation of Members and vacancy how filled.

- 5 **9.** The first election shall take place on the first Friday in July, in the year of our Lord one thousand eight hundred and seventy-one, at such place as shall be fixed by resolution of the said Provisional Council; and the Registrar to be appointed by the said Council shall act as Returning Officer at the
- 10 said election, and the persons entitled to vote at such first election shall be all persons who are at the time of the passing of this Act engaged as Chemists and Druggists on their own account, or in partnership with any other person in the Province of Ontario.
- 15 **10.** Every subsequent election shall be held on the first Friday in February in every second year, until otherwise by by-law appointed, and the persons qualified to vote at such second election, shall be such persons as are members of the said Society.
- The first election of the council, how to be held.
- 20 **11.** The said Council shall, at their first meeting, elect from themselves a President and Vice-President, and shall appoint a Registrar and such other officers as the said Council may consider necessary.
- President and officers, how elected.
- 25 **12.** The said Council shall hold at least two sittings in every year for the purpose of granting certificates of competency, at such times and places as they may by resolution appoint, of which due notice shall be given for at least one month in the *Ontario Gazette*.
- Sittings of the Council.
- 30 **13.** Every person desirous of being examined touching his qualifications to act as a Chemist and Druggist, shall, at least two weeks before the sittings of the said Council, pay into the hands of the Registrar the required fees, together with a notice of his intention to present himself for such examination.
- Candidates for examination to pay fees and give notice.
- 35 **14.** Any person having passed such examination to the satisfaction of the majority of the examiners, shall be entered upon the Roll of Registered Chemists and Druggists, and shall become a member of the College; such examinations may be conducted by the members of the Council, or by persons appointed by them.
- Entry on the Roll.
- 40 **15.** It shall be the duty of the Registrar to make and keep a correct Register, in accordance with the provisions of this Act, as shown in Schedule "C," of all persons who shall be entitled to be registered under this Act, and to enter opposite the names of all registered persons who shall have died, a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act, and shall cause to be printed and published on or before the fifteenth day of June of each year, an alphabetical list of the members who were on the first day of June of that year entitled to keep open shop as Pharmaceutical chemists.
- Registers to be kept of persons registered or entitled to be.
- 50 **16.** No names shall be entered in the Register except of persons authorized by this Act to be registered, nor unless the
- Who may not be entered on the Register.

Appeal from
decision of
Registrar.

Registrar be satisfied by proper evidence that the person claiming is entitled to be registered, and any appeal from the decision of the Registrar may be decided by the Council of the said College, and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made, 5 may be erased from or amended in the Register by order of such Council.

Certain persons may be entered on Register,

on certain evidence.

17. All persons who at the time of the passing of this Act were in business as Chemists and Druggists, or Chemists, Druggists or Apothecaries, upon their own account or in partnership with any other person, or who have served an apprenticeship of three years, and have acted as a Druggist's assistant for one year, shall be entitled to be registered under this Act, upon production to the Registrar of such evidence of their having been so engaged, as the Council of the said College may require, and 10 upon payment of a registration fee of four dollars, but in case any person has paid the fee of four dollars mentioned in the fourth section, the same shall be credited to him as his registration fee, and there shall be payable to the Registrar of the said College, for the uses of the College, on the first day of May of 20 each year, by every person registered and carrying on business as a Pharmaceutical Chemist, the sum of four dollars.

Power to hold real estate, build, &c.

18. The Ontario College of Pharmacy shall have power to acquire and hold real estate, not exceeding at any time in annual value five thousand dollars, and the same, or any part thereof, may alienate, exchange, mortgage, lease or otherwise charge or dispose of, as occasion may require, and may erect buildings for the purpose of accommodating Lecturers on Chemistry or Pharmacy, or for a Library, Pharmaceutical Museum, or specimen room for the use of the members and associates of said 30 College, and all fees payable under this Act shall belong to the said College for the purpose of this Act.

Powers of the Council as to subjects of examination, &c.

19. The Council of the said Society shall, subject to the supervision and disallowance thereof by the Lieutenant Governor in Council, have authority to prescribe the subjects upon which 35 candidates for certificates of competency shall be examined, to establish a scale of fees to be paid by associates of the said College and other persons applying for examination, and to make by-laws, rules and orders for the regulation of their own meetings and proceedings, and those of the College, and for the 40 admission of druggists' assistants and apprentices as associates of the said Society, and for the remuneration and appointment of examiners and officers of the said College, and for the payment of the actual expenses of the members of the said Council in attending its sittings, or in attending upon the business of 45 the said Society, and in respect to any other matters which may be requisite for the carrying out of this Act.

Who alone may be styled Pharmaceutical Chemist, and dispense.

20. Any person registered under this Act, and no other, shall be entitled to be called a "Pharmaceutical Chemist;" and no other person except a Pharmaceutical Chemist as aforesaid, or 50 his employee or employees, shall be authorized to dispense all prescriptions of legally authorized medical practitioners; but no person shall be entitled to any of the privileges of a Pharmaceutical Chemist, or member of the said Society, who is in default in respect to any fees payable by him by virtue of this 55 Act.

21. Upon any person being registered under this Act, he shall be entitled to receive a certificate in the form in Schedule D, or to the like effect, under the corporate seal of the said Society, and signed by the Registrar, and shall be entitled to receive a similar certificate annually upon payment of the said fee of four dollars. Certificate to be granted on Registry.

22. Every Pharmaceutical Chemist carrying on business on his own account, shall display his certificate in a conspicuous position in his place of business. Certificate to be publicly displayed.

23. No person shall sell any article under the pretence that it is a particular drug or medicine which it is not in fact, and any person so doing (beside any other penalties to which he may be liable) shall be subject to the penalties prescribed by the twenty-eighth section of this Act. Penalties on wrongful sales.

24. Any Pharmaceutical Chemist may, upon the written prescription of any legally authorized medical practitioner, but not otherwise, furnish to any patient any wine, spirit, or cordial, which may be prescribed for the use of such patient. When wine, etc., may be dispensed.

25. Any person who may sell any damaged or adulterated drug or medicine, shall affix to the wrapper, box, or bottle, or covering containing the same, a label stating that the same is adulterated or damaged, as the case may be. Adulterated drugs, how to be sold.

26. All compounds named in the British Pharmacopæa shall be prepared according to the formula directed in the latest edition published "by authority," unless the College of Physicians and Surgeons of this Province shall select another standard, or unless the label distinctly shows that the compound is prepared according to the authorized formula. How compounds to be prepared.

27. From and after the first day of January, one thousand eight hundred and seventy-one, it shall be unlawful to sell any proprietary or patent medicine, unless the formula is first submitted to the Registrar of the Ontario College of Pharmacy, and his license obtained for the sale of such compound. How patent medicines may be sold.

28. Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall for the first offence, incur a penalty not exceeding twenty dollars, and costs of prosecution, and for each offence committed subsequent to such conviction, a penalty of fifty dollars and costs of prosecution, to be recovered in a summary manner before any two Justices of the Peace or Police Magistrate on the oath of one or more credible witnesses, one moiety to belong to the prosecutor and the other to Her Majesty for the public uses of this Province. Penalties for infringement of the Act.

29. In any prosecution under this Act it shall be incumbent upon the defendant to prove that he is entitled to sell or keep open shop for retailing, dispensing or compounding medicines or poisons, and to assume the title of Chemist and Druggist or other title mentioned in section one of this Act, and the production of a certificate purporting to be under the hand of the Registrar and under the seal of the said Society, showing that he is so entitled, shall be *prima facie* evidence that he is so entitled. Proof on prosecutions.

Price of articles contrary to the Act not to be recovered.

Cases to which the Act does not apply.

30. No person selling articles in violation of the provisions of this Act shall recover any charges in respect thereof in any Court of Law or Equity.

31. Nothing in this Act contained shall extend to or interfere with the privileges conferred upon Physicians and Surgeons by any of the Acts relating to the Practice of Medicine and Surgery in this Province, nor shall it prevent any person whatsoever from selling goods of any kind to any person legally authorized to carry on the business of an Apothecary, Chemist, or Druggist or the profession of a Doctor of Medicine, Physician, or Surgeon, nor Veterinary Surgeons, or to prevent the members of such profession supplying to their patients such medicine as they may require, nor with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing; and upon the decease of any person legally authorized and actually carrying on the business of Chemist and Druggist, at the time of his death it shall be lawful for the Executor, Administrator or Trustee of the Estate of such person to continue such business, if, and so long only as such business shall be *bona fide* conducted by a Pharmaceutical Chemist registered under this Act.

Erasing of name of member on conviction for offence

32. Upon a resolution of the Council of the said Society being passed declaring that any person in consequence of his conviction for any offence or offences against this Act, he is in the opinion of the Council, unfit to be on the register under this Act, the Lieutenant-Governor in Council may direct that the name of such person shall be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly.

Con. Stat. U. C., cap. 98, repealed.

33 Chapter ninety-eight of the Consolidated Statutes of Upper Canada is hereby repealed.

Short title of Act.

34. This Act may be cited as "the Pharmacy Act of 1871."

SCHEDULE A.

PART 1.

Acid Oxalic.
Acid, Hydrocyanic (Prussic).
Aconite and compounds thereof.
Antimony, Tartrate of
Arsenic, and the compounds thereof.
Atropine.
Conia, and the compounds thereof.
Corrosive Sublimate.
Cyanide of Potassium and Metallic Cyanidse.
Digitaline.
Ergot.
Hemp, Indian.
Morphia and its Salts and Solutions.
Strychnine, and Nux Vomica.
Savine, and preparations of.
Veratria.

PART 2.

Belladonna, and the compounds thereof.
Beans Calabar.
Cantharides.
Calomel.
Chloroform and Ether.
Conium, and the preparations thereof.
Croton Oil and Seeds.
Cyanide of Potassium.
Euphorbium.
Elaterium.
Goulard Extract.
Hyosciamus and preparations.
Hellebore.
Iodine.
Opium, with its preparations, including Laudanum, &c.
Pills—Mercurial.
Podophyllin.
Potassium, Iodide of
Potassium, Bromide of
St. Ignatius Beans.
Santonine.
Scammony.
Stramonium and preparations.
Valerian.
Verdigris.
Zinc, Sulphate of.

SCHEDULE B.

DATE.	Name of Purchaser.	Name and quantity of Poison sold.	Purpose for which it is required.	Signature of purchaser.	Address of Purchaser.	Name of Person introducing Purchaser.

SCHEDULE C.

NAME.	RESIDENCE.	QUALIFICATION.	REMARKS.
A. B.	Kingston.	In Business prior to Pharmacy Act.	Dead.
C. D.	Hamilton.	Examined and Certified, 12th July, 1871.	Erased by Order of Lt. Gov., Dated 14th Oct., 1869.
E. F.	London.	Served apprenticeship and as assistant.	

SCHEDULE D.

I hereby certify, that C. D., having first passed the examination prescribed by the Pharmaceutical Council, (or having been in business, or was qualified assistant, prior to the Pharmacy Act of 1871, as the case may be), was on the day of duly registered as a Pharmaceutical Chemist, and is authorised to carry on the business of Chemist and Druggist in the Province of Ontario, from the day of A.D. 18 to the day of A.D. 18

[Corporate Seal.]

(Signed)

E. F.
Registrar of the
Pharmaceutical Society.

No. 20.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to regulate the sale of Poisons, and respecting Chemists, Druggists and Apothecaries.

First Reading 20th December, 1870.

Mr. McGill.

TORONTO:

An Act to declare the true construction of the Act passed in the thirteenth year of the reign of Queen Elizabeth, and chaptered five, and intituled "An Act against fraudulent deeds, alienations, &c.

WHEREAS by the first and second clauses of the Act Preamble, passed in the thirteenth year of the reign of Her Majesty Queen Elizabeth, it is enacted as follows:—

- 5 "For the avoiding and abolishing of feigned, covinous and fraudulent feeoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions more commonly used and practised in these days than hath been seen or heard of heretofore, which feeoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions have been and are devised or contrived of malice, fraud, covin, collusion or guile to the end, purpose and intent, to delay, hinder and defraud creditors and others of their just and lawful actions, suits, debts, accounts, damages, penalties, forfeitures, heriots, mortuaries and reliefs not only to the let or hindrance of the due course and execution of law and justice, but also to the overthrow of all true and plain dealing, bargain and chevisance between man and man, without the which no commonwealth or civil society can be maintained or continued."
- 10 "All and every feeoffment, gift, grant, alienation, bargain and conveyance of lands, tenements, hereditaments, goods and chattles, or of any of them, or of any lease, rent, common or other profit or charge out of the same lands, tenements, hereditaments, goods and chattles, or any of them by writing or otherwise, and all and every bond, writ, judgment and execution at any time had or made since the beginning of the Queen's Majesty's reign, that now is or at any time hereafter to be had, or made to or for any intent or purpose before declared or expressed, shall be from thenceforth deemed and taken only as against that person or persons, his or their heirs, successors, executors, administrators and assigns, and every of them whose actions, suits, debts, accounts, damages, penalties, forfeitures, heriots, mortuaries, and reliefs by such guileful covinous or fraudulent devices and practices as is aforesaid, are or shall or might be in any ways disturbed, hindered, delayed or defrauded to be clearly and utterly void, frustate and of none effect; any pretence, colour, feigned consideration, expressing of use or any other matter or thing to the contrary notwithstanding.
- 25 "Recital of ss. 1 and 2 of 13 Eliz., ch. 5. that Conveyances, Judgments, &c., to hinder or defraud creditors be void.

And whereas it is also by the sixth clause of the said act provided and enacted as follows:

Recital of s.
6, 13 Eliz. ch.
5 that that Act
should not extend
to any interest conveyed
for good
consideration,
bona fide, without
notice of
fraud.

"This Act or any thing herein contained shall not extend
"to any estate or interest in lands, tenements, hereditaments,
"leases, rents, commons, profits, goods or chattles had, made,
"conveyed or assured, or hereafter to be had, made, conveyed,
"or assured, which estate or interest is, or shall be upon 5
"good consideration and *bona fide* lawfully conveyed or assured
"to any person or persons, or bodies politic or corporate not
"having at the time of such conveyance or assurance to
"them made any matter of notice or knowledge of such covin,
"fraud or collusion as is aforesaid, anything before mentioned 10
"to the contrary thereof notwithstanding."

And whereas there are doubts as to the true construction of
the said Act, and it is expedient to declare the true construction
of the same; Therefore Her Majesty, by and with the advice
and consent of the Legislative Assembly of the Province of On- 15
tario enacts as follows:

Valuable con-
sideration and
intent to pass
the interest
shall not alone
prevent the
application of
ss. 1, 2, unless
on acquisition
bona fide, with-
out notice of
fraud.

1. The first and second clauses of the said Act apply to all
instruments executed to the end, purpose and intent in the said
clauses set forth, notwithstanding that the same may be exe-
cuted upon a valuable consideration and with the intention as 20
between the parties to the same, of actually transferring to and
for the benefit of the transferee the interest expressed to be
thereby transferred, unless the same be protested under the sixth
clause of the said Act by reason of *bona fides* and want of no-
tice or knowledge on the part of the purchaser. 25

4th Session 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to declare the true construction of
the Act passed in the 13th year of the
Reign of Queen Elizabeth and chaptered
five, and intituled "An Act against fraud-
ulent deeds, alienations, &c.

First Reading, 20th Dec., 1870.

MR. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to amend the "Registration of Titles (Ontario) Act."

WHEREAS it is expedient to amend the "Registration of Titles (Ontario) Act," passed in the thirty-first year of the reign of Her Majesty, chaptered twenty;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section thirty-five is amended, so as to read as follows :—

31 Vic., cap. 20, s. 35, amended.

Wills to be registered in full.

Mode of registry.

35. Every will shall be registered at full length by the production of the original will, and a deposit of a copy thereof with an affidavit sworn to by one of the witnesses to the will, proving the due execution thereof by the Testator or by the production of a probate or letters of administration with the will annexed, or an exemplification or office copy of the probate or letters of administration with the will annexed, under the seal of any Court in this Province or in Great Britain and Ireland, or in any British Province, Colony or Possession having jurisdiction therein, and by the deposit of a copy of such Probate or Letters of Administration, or of such exemplification or office copy with an affidavit verifying such
2. Section forty-seven is amended so as to read as follows :

Sec. 47 amended.

After registry of any instrument Registrar to deliver a certified copy with particulars as to registry.

47. After any instrument has been registered, the Registrar shall deliver a certified copy or copies of the instrument and of all other documents deposited with him connected with or relating to such instrument, under his signature and seal of office in which certificate he shall declare the time, place and other particulars of registration as in other cases under this Act, and he shall also declare that the copy which he so delivers is a true copy of the Instrument and all other documents connected with or relating to the same of which they respectively purport to be copies, and that the originals have been duly deposited in his office according to the Statute in that behalf."
3. Section forty-eight is amended so as to read as follows :

Sec. 48 amended.

Such certified copy may be registered elsewhere without proof.

48. Every such certified copy may be registered in any other Registry Office by deposit thereof without proof of any kind other than the production of such certified copy."
4. Section forty-nine is amended so as to read as follows :—

Sec. 49 amended.

Certified copy prima facie evidence, provided notice be given.

49. Every such certified copy shall be received in all cases in place of the original as *prima facie* evidence of the original and of due execution ; Provided always that notice has been given in the manner set forth in section fifty-one of this Act."

BILL.

An Act to amend the "Registration of Titles
(Ontario) Act."

First reading, 20th December, 1870.

Mr. BLAKE.

An Act to enable the Trustees of the Canada Presbyterian Church in Osgoode to convey parts of the church lands to other Trustees for a Burial Ground.

WHEREAS the Trustees of the Canada Presbyterian Church Property in the Township of Osgoode, in the County of Carleton, have by their petition set forth that they desire to convey part of said Church property to other Trustees for a Burial Ground, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Trustees of the Canada Presbyterian Church property in the township of Osgoode, may sell and convey part of said Church property, being composed of part of the west part of lot number thirty in the seventh concession of the said township of Osgoode, and containing three acres more or less, to five Trustees, in whom and their successors in office, the said land shall be vested immediately upon their appointment to and acceptance of office, and who shall by the name of the "Trustees of the Osgoode Burial Ground" hold, occupy and enjoy the land granted by the said deed for the uses and purposes to be therein mentioned, and by that name may bring or defend any action or suit at law or in equity against any person or persons, or body corporate in respect of any matter or thing relating to the said land or premises, or the fees for burial therein. Trustees of the Canada Presbyterian Church in Osgoode may convey to Trustees for a burial ground.
2. The Trustees to whom and their successors in office the said land shall be conveyed, shall be, Daniel Cameron, Alexander Dow, Duncan McDonald, Zachariah McMillan and Joseph A. Campbell, who shall hold office until the annual meeting in the month of February, A.D., 1872. Appointment of Trustees for the burial ground.
3. The said Trustees shall have power from time to time to make such by-laws as may be necessary and reasonable for the preservation and improvement of, and the repairing and general management of the said Burial Ground. Power to pass by-laws.
4. The said Trustees shall have power to grant any person or persons the exclusive right to use any particular portion of the said land as a burial place, and to charge such fees therefor as they shall reasonably appoint, but in case of the death of any person who has not left sufficient property to pay for a place of burial, the said Trustees shall appoint a place where he or she may be buried in said land without any charge or fee therefor. Powers to grant burial sites, and charge fees.
5. All such fees as shall be collected by virtue of the foregoing. Fees, how to be applied.

going provision shall be used in the maintenance, improvement and repairing of the said Burial Ground, or the erections and enclosures thereon.

Meetings to elect Trustees. **6** A meeting for the election of Trustees shall be held on the first Saturday in the month of February in each year, after the year 1872, at which meeting all those holding Lots in said Burial Ground shall be entitled to vote, and a majority of the votes of those voters present at any annual meeting shall elect the Trustees for the ensuing year. **Provido.** That the retiring Trustees of said Burial Ground shall always be eligible for re-election.

Vacancies among Trustees, how filled. **7** In case of the death or removal or refusal to act of any person elected as a Trustee under this Act, the vacancy may be filled up by the appointment of another Trustee by the remaining Trustees, who shall hold office until the next annual meeting.

Annual meetings, how fixed. **8** At each annual meeting the place and hour for holding the next annual meeting shall be fixed.

Chairman and Secretary-Treasurer, how appointed. **9** At the first meeting of said Trustees after their election, they shall elect a Chairman and a Secretary-Treasurer from amongst themselves for the current year, and all meetings during the year shall be called by such Chairman, giving at least five days notice in writing to each of the Trustees of the time and place of such meeting, unless at the previous meeting the time and place of such meeting shall have been fixed by the Trustees.

A majority of Trustees a quorum. **10** A majority of the said Trustees shall be a quorum for the transaction of business, and in case the regular Chairman is not present at any meeting, the Trustees who are present shall elect a Chairman to preside at that meeting.

Chairman to give only a casting vote. **11** The Chairman shall not vote at any meeting except in the case of an equality of votes, in which case he shall give the casting vote.

Secretary-Treasurer to keep minutes of proceedings and of accounts. **12** The Secretary-Treasurer shall enter in a book to be kept for that purpose, which shall be the property of the Trustees for the time being, full minutes of all proceedings had or taken by the said Trustees, and full accounts of all receipts and disbursements received and made by them.

All Acts of former Trustees legalized; arrears due may be collected. **13** All Acts of former Trustees of said Burial Ground are hereby legalised, and any arrears due from any person in respect of said Burial Ground may be collected by the Trustees who are appointed by this Act or their successors in office.

An Act to authorize the Trustees of the Presbyterian Church in the Township of Kenyon, County of Glengarry, in connection with the Church of Scotland, to sell Lot two, and part of Lot one, in the Seventeenth Concession of the said Township.

WHEREAS Hugh Allan of the city of Montreal, Hugh Munro, of the township of Caledonia, Donald Cameron, of the township of Roxborough, and John McRae, Donald McIntyre, and Duncan McRae, of the township of Kenyon, Trustees of the Presbyterian Church, in the township of Kenyon, in the County of Glengarry, in connection with the Church of Scotland, and John S. Burnett, Moderator of the Presbytery of Glengarry, have by their petition to the Legislature, prayed that the said Trustees be empowered to sell and dispose of Lot two, and the West part of lot one, in the seventeenth Concession of the St. Regis Indian Reservation, in the aforesaid township of Kenyon, and to apply the proceeds of such sale for the purpose of purchasing another lot, or for purposes connected with the interests of the congregation adhering to the said Church: And whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said Hugh Allan, Hugh Munro, Donald Cameron, John McRae, Donald McIntyre, and Duncan McRae, Trustees of the Presbyterian Church in the township of Kenyon, in the County of Glengarry, in connection with the Church of Scotland, and the survivor or survivors of them, or their successors in office, shall have full power and authority to contract to sell and to sell the said lots, in one or several parcels, from time to time, at private sale or by public auction, for cash or on credit secured in such manner as to them seem fit, with power to buy in at any auction or auctions, and re-sell and rescind or vary any sale or contract for sale that may have been entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances, execute and deliver and the consideration money demand and receive, and to release all mortgages or other securities that may be given for purchase money or of any part thereof.

Power to trustees to sell lands.

2. The vendors shall apply the proceeds of such sale or sales in the purchase of other lands or in such other manner as they may deem best for the interests of the congregation adhering to the said Church; Provided always, that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said lots or any part thereof.

Application of proceeds of sale.

3. Nothing in this Act contained shall be construed to effect any rights of any other person or persons in respect of the said lands.

This Act not to affect the rights of others.

BILL.

An Act to authorize the Trustees of the Presbyterian Church in the Township of Kenyon, County of Glengarry, in connection with the Church of Scotland, to sell Lot two, and part of Lot one, in the Seventeenth Concession of the said Township.

(PRIVATE BILL.)

First Reading, 30th December, 1870.

Mr. CRAIG,

TORONTO:

An Act to vest in the County Agricultural Society of Glengarry, certain property situate in the village of Williamstown.

WHEREAS the lands hereinafter described and being in the village of Williamstown in the county of Glengarry, were on the twenty-fifth day of June, one thousand eight hundred and fourteen, by deed of gift granted to Neil McLean, Sheriff of the Eastern District, in the Province of Upper Canada, in trust for the purpose of holding a fair in the said village; And, whereas in order to more effectually carry out the intent of the said grant, it is desirable that the said lands should be vested in the County Agricultural Society of Glengarry; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said lands mentioned in the said deed, and there-
in described as follows, that is to say, all that certain parcel or
tract of land situate in the said village of Williamstown, con-
taining by admeasurement twelve acres, statute English measure,
butted and bounded, and may be otherwise known as follows,
namely, beginning at a boundary mark of stone at the south-
easterly corner of the land of Alexander MacKenzie, Esquire,
from thence south eighty-seven degrees, east along John Street
ten chains and eighty-seven links to a boundary mark of stone,
from thence along the west boundary line of the school lot
(number twenty,) north eleven degrees east three chains fifty
links to a boundary mark of stone, thence north twenty-four
degrees west twenty-four chains to a boundary mark of stone,
thence south sixty-six degrees west twelve chains, more or less,
to a boundary mark of stone, and thence along the easterly line
of the land of the said Alexander MacKenzie, Esquire, south
twenty-four degrees east to the place of beginning with the
privilege of extending from John's Street to the river; Together
with all and singular the hereditaments and appurtenances there-
unto in anywise belonging, and the reversion and reversions,
remainder and remainders, rents, issues, and profits of all and
singular the said premises and of every part and parcel thereof;
be, and the same are hereby vested in the said the County Agri-
cultural Society of Glengarry, and their successors, for the pur-
pose of holding a fair in the said village, and to hold the same
as a fair ground, and for such other purposes as the County
Agricultural Society of Glengarry may sanction or authorize.

Certain lands
in William-
stown granted
to Neil Mc-
Lean in trust
for holding a
fair vested in
the County
Agricultural
Society of
Glengarry.

BILL.

An Act to vest in the County Agricultural Society of Glengarry, certain property situate in the village of Williamstown.

(*PRIVATE BILL.*)

First reading 21st December, 1870.

Mr. CRAIG.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to make valid certain by-laws of the Corporation of the Township of Wolford, and certain by-laws confirming the same, and a conveyance made thereunder.

WHEREAS it is expedient to make valid certain by-laws of the Corporation of the Township of Wolford, and certain by-laws confirming the same, and a conveyance thereunder : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. A certain by-law of the Corporation of the Township of Wolford, numbered eighty-one, intituled "By-law stopping up certain parts of the Government allowance for road between the sixth and seventh concessions of the township of Wolford," and passed on the tenth day of January, in the year of our Lord one thousand eight hundred and sixty-six, and a certain other by-law of the said Corporation, numbered eighty-two, intituled "By-law authorizing the conveyance to Hiram Buker of certain parts of the Government allowance for road between the sixth and seventh concessions of the township of Wolford," passed on the tenth day of January, in the year of our Lord one thousand eight hundred and sixty-six, shall and each of the said by-laws shall be valid, legal, and effectual, and shall be held to have been valid, legal, and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding. By-laws 81 and 82 of Township of Wolford as to concessions 6 and 7 confirmed.
2. A certain by-law of the Council of the Corporation of the United Counties of Leeds and Grenville, numbered two hundred and eighty-one, intituled "By-law to confirm by-law numbered eighty-one of the council of the township of Wolford," and passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-six, and a certain other by-law of the Council of the Corporation of the United Counties of Leeds and Grenville, numbered two hundred and eighty-two, intituled "By-law to confirm by-law numbered eighty-two of the council of the township of Wolford," and passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-six, shall and each of the said by-laws shall be valid, legal, and effectual, and shall be held to have been valid, legal, and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding. By-laws 281 and 282 of Counties of Leeds and Grenville as to by-laws 81, 82 of Tp. of WOLFORD confirmed
3. A certain conveyance, dated on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six, between the corporation of the township of WOLFORD and Hiram Buker, Conveyance between Tp. of WOLFORD and H. Buker,

under above
by-laws, con-
firmed.

ford of the one part, and one Hiram Buker of the other part, made in pursuance of the said by-laws, and registered in the registry office for the county of Grenville, on the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six, in Liber C. for Wolford, as number three hundred and thirty-two, shall be valid, legal, and effectual, and shall be held to have been valid, legal, and effectual from the time of the making thereof, notwithstanding any defect or irregularity heretofore subsisting in the said by-laws or either of them, or in the preliminary or other proceedings had or taken for the passing thereof.

BILL.

An Act to make valid certain By-laws of the Corporation of the Township of Wolford, and certain By-laws confirming the same, and a Conveyance made thereunder.

First reading 21st December, 1870.

Mr. FITZSIMMONS.

TORONTO:

An Act to amend the Act passed in the thirty first year of the reign of Her Majesty, chaptered twelve, intituled an Act for the better protection of Game in the Province of Ontario.

WHEREAS it is expedient to amend the Law respecting Preamble.
Game within the Province of Ontario, therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 5 **1.** That section two, of the said Act passed in the thirty-first year of Her Majesty's reign, chaptered twelve, be repealed and the following inserted in lieu thereof. 31 V. ch. 12,
s. 2, amended.

No Deer or Fawn, Elk, Moose, or Cariboo shall be hunted, taken or killed between the fifteenth day of December, and the 10 first day of September, of the following year.

Deer, Elk,
Moose, Cariboo, not to be
killed, be-
tween 15th
Dec. and 1st
Sept.

- 2.** That section six of said Act be repealed, and the following inserted in lieu therefor : S. 6 amended.

No Black Duck, Grey Mallard, Teal, or Wood Duck be taken or killed between the first day of April and the fifteenth day of 15 August of the same year, and no other Ducks, wild Swan or Goose from the first day of May to the fifteenth day of August of the same year.

Certain Duck
not to be kill-
ed between 1st
April and 15th
August, and
other Duck,
Swan, Goose,
between 1st
May and 15th
August.

- 3.** That section fifteen of said Act, be repealed, and the following words inserted in lieu therefor : Sec. 15 amend-
ed.

20 And whereas it is desirable to prevent the destruction of cer-
tain animals at seasons of the year when their furs are of little
or no value : It is further enacted that no Beaver, Mink, Sable,
Otter, or Fisher shall be trapped, hunted, taken, or killed, nor
shall any trap or snare be laid for the same or any of them be-
25 tween the first day of March and the first day of November, of
the same year; and no Musk-rat shall be trapped, hunted, taken or
killed, nor shall any trap or snare be laid for the same from the
first day of May in any year, to the first day of February in the
following year; and all persons violating this section of this Act
30 shall be liable to the same proceedings and penalties to be en-
forced and recovered in the same way as are above declared with
respect to game.

Certain fur
bearing ani-
mals not to be
trapped in
certain per-
iods.

BILL.

An Act to amend the Act passed in the thirty first year of the reign of Her Majesty, chaptered twelve, intituled an Act for the better protection of Game in the Province of Ontario.

First reading, 21st December, 1870.

Mr. TROW.

TORONTO:

An Act to exempt the Townships of Biddulph and McGillivray from Taxation for Gravel Road purposes outside of said Townships, and to enable them to gravel their own roads.

WHEREAS the townships of Biddulph and McGillivray were by the Act passed in the twenty-fifth year of the reign of Her Majesty, and chaptered twenty-eight, separated from the County of Huron and annexed to the County of Middlesex: And whereas under the provisions of the said Act, each of the said Townships became liable to pay, and has paid, a large sum to the County of Huron, in respect of the debt of that County, incurred to a large extent for roads: And whereas the said townships have to a certain extent, since the time of the said separation, at their own expense, gravelled their own roads: And whereas it is just that the said townships should not be liable for the cost of gravelling outside of their own townships, and that they should be enabled at their own expense to gravel their own roads: And whereas the corporations of each of the said Townships, and of the County of Middlesex have petitioned for the passing of this Act: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Each of the said Townships may at its own expense gravel any of the roads within its own limits.

Recited townships may gravel their own roads.

2. Neither of the said Townships shall be liable for any portion of the debt contracted, or of which may be contracted, or of the expense incurred, or which may be incurred for the gravelling of any roads outside of the limits of the said Townships.

Recited townships to be liable only for the expense of gravelling their own roads.

4th Session 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to exempt the Townships of Bid-
dulph and McGillivray from Taxation for
Gravel Road purposes outside of said
Townships.

(*PRIVATE BILL.*)

First Reading, 22nd Dec., 1870.

Mr. SMITH, *Middlesex.*

An Act to amend Chapter Eighty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the conveyance of Real Estate by married women," and the Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, intituled, "An Act to amend the Registry Act, and to further provide as to the certificates of married women, touching their consent as to the execution of deeds of conveyance."

WHEREAS it is expedient that Notaries Public should be Preamble.
 empowered to take the necessary declaration of a married woman, as by law required, on executing a deed of lands in the Province of Ontario, and to grant the necessary certificate
 5 thereof, under his seal of office: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. That section two, of chapter eighty-five, of the Consolidated Statutes for Upper Canada, be amended, by inserting after
 10 the words "County Court" in the fourth line, the words, "a Notary Public for the Province of Ontario," after the word
 "Judge," in the seventh line, the words, "Notary Public," and after the word, "Justices," in the eleventh line, the words, "or such Notary Public under his seal of office." Con. Stat. U. C. ch. 85, s. 2, amended by giving power to Notaries Public.

15 2. That sections one and two of the Act passed in the thirty second year of the reign of Her Majesty, chaptered nine, be
 amended by inserting after the word, "Judge," in each of such
 sections, the words, "Notary Public." 32 Vic. ch. 9. secs. 1 and 2 amended by giving power to Notaries Public.

20 3. That the following be inserted as clause three of said last mentioned Act, and incorporated therewith: "All certificates
 of discharge of mortgage and the registering thereof, executed or registered previous to the passing of this Act, according to the terms thereof, shall be as valid and binding as if done since the passing hereof." 32 Vic. ch. 9, all former discharges of mortgage confirmed.

BILL.

An Act to amend Chapter Eighty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the conveyance of Real Estate by married women," and the Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, intituled, "An Act to amend the Registry Act, and to further provide as to the certificates of married women, touching their consent as to the execution of Deeds of conveyance."

First Reading, 22nd Dec., 1870.

Mr. LYON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend Chapter Eighty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the conveyance of Real Estate by married women," and the Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, intituled, "An Act to amend the Registry Act, and to further provide as to the certificates of married women, touching their consent as to the execution of deeds of conveyance."

WHEREAS it is expedient to facilitate the taking the necessary examination of a married woman, as by law required, on executing a deed of lands and the granting the necessary certificate thereof: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. Sections two, three and four of chapter eighty-five, of the Consolidated Statutes for Upper Canada, are hereby repealed, and sections two, three and four of this Act are inserted in lieu thereof.

Con. Stat. c. 85, ss. 2, 3 and 4 repealed.

2. In case such married woman executes such deed in the Province of Ontario, she shall execute the same in the presence of a Judge of one of the Courts of Queen's Bench, Common Pleas, or the Court of Chancery or of the Judge, junior or Deputy Judge of the County Court, or of a Notary Public for the Province of Ontario, or two Justices of the Peace for the county in which such married woman happens to be when the deed is executed, and any such Judge, Notary Public, or two Justices of the Peace shall examine such married woman apart from her husband, respecting her free and voluntary consent to convey her real estate as expressed in the deed, and if she gives her consent, such Judge or Justices, or Notary Public under his seal of office, shall on the day of execution by her of such deed certify on the back thereof to the following effect:

Execution of deeds by married women in Ontario.

"I, (or we inserting the name or names and place of residence, &c.), do hereby certify that on this day of A.D., at in the County of , the within deed was duly executed in my (or our) presence by A. B., of , wife of therein named, and that the said wife (or wives) of the said (insert name of husband or husbands) at the said time and place, being examined apart from her (or their) husband (or husbands), did give her (or their) consent to convey her (or their) estate in the lands mentioned in the said deed, freely and voluntarily, and with-

"out coercion or fear of coercion on the part of her (*or their*) husband (*or husbands*), or of any other person or persons whatsoever."

In Great Britain, Ireland or the colonies.

3. In case any such married woman executes any such deed in Great Britain or Ireland, or in any colony belonging to the Crown of Great Britain out of Ontario, she shall do so in the presence of the Chief Justice or a Judge of the Superior Court or a Notary Public duly appointed, or of the mayor or chief magistrate of a city, borough or town corporate, or any person authorized by the laws of any such colony for that purpose, who shall examine such married woman apart from her husband, touching her consent in the manner, and certify on the back thereof to the effect, as by the second section of this Act is required.

In foreign countries.

4. In case any such married woman executes any such deed in any state or country not owing allegiance to the Crown of Great Britain, she shall do so in the presence of the governor or other chief executive officer, or the resident British Consul or of a Judge of a Court of Record of such State or Country, who shall examine such married woman apart from her husband, touching her consent in the manner and certify on the back thereof to the effect as by the second clause of this Act required, such certificate to be under the hand and the seal used in the office of the person or court by the person so making such examination; Provided always that no party to any such deed or engaged in the preparation thereof, either by himself, his partner or clerk, shall make the examination or grant the certificate required by any of the foregoing clauses under a penalty of four hundred dollars, to be recovered from him, her, or them by any person suing therefor in any court of competent jurisdiction.

Proviso.

32 Vic. c. 9, ss. 1 and 2 amended.

5. Sections one and two of the Ontario Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, be amended "by expunging from section one the words: "any Judge or Justice of the Peace," and from section two the words "the Judge or Justice of the Peace therein mentioned," and inserting in lieu thereof in each of such sections the words "any of the parties entitled by law to take such examination."

32 Vic. ch. 9, all former discharges of mortgage confirmed.

6. The following shall be inserted as clause three of said last mentioned Act, and incorporated therewith: "All certificates of discharge of mortgage and the registering thereof, executed or registered previous to the passing of this Act, according to the terms thereof, shall be as valid and binding as if done since the passing hereof."

(Reprinted as amended by Select Committee)

BILL.

An Act to amend Chapter Eighty-five the Consolidated Statutes for Upper Canada, intituled "An Act respecting the conveyance of Real Estate by married women," and the Act passed in the thirty-second year of the reign of Her Majesty, chaptered nine, intituled, "An Act to amend the Registry Act, and further provide as to the certificates of married women, touching their consent to the execution of deeds of conveyance"

First reading 22nd December, 1870.

MR. LYON.

TORONTO:

4th Session 1st Parliament 34 Victoria, 187

An Act to empower the trustees under the will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford.

WHEREAS, Eliza Frances Lett, wife of the Reverend Stephen Lett, of the town of Collingwood, and the said, the Reverend Stephen Lett, have, by their petition, prayed for the passing of an Act to empower the Honourable John Godfrey Spragge, the Reverend J. P. Hodge, and Charles Gamon, trustees under the will of the late Joseph Bitterman Spragge, of the said township of Blenheim, or the trustees or trustee for the time being of the said will, to sell the lands of the said testator, situate in the said township of Blenheim: And whereas it is desirable to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said trustees or trustee for the time being, shall have full power and authority to sell and absolutely dispose of all and every or any part of the lands situate in the said township of Blenheim, belonging to the estate of the said testator, Joseph Bitterman Spragge, with the appurtenances, as they in their discretion shall see fit, to any person or persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages, or otherwise, as to the trustees or trustee for the time being, shall seem reasonable, the consent, in writing, of the said Eliza Frances Lett to such sale being first obtained, and any deed executed by such trustees as aforesaid, shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof, or rights therein, now existing or granted by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof.
2. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested by the said trustees or trustee for the time being, in Government Stock or securities of the Dominion of Canada, or upon the security of freehold real estate, of ample value, in the Province of Ontario, the consent, in writing, of the said Eliza Frances Lett being first obtained thereto, and the said trustees shall hold and apply the principal and interest represented by, or derivable from such sales and investments upon the same trusts and for the same ends, intents and purposes expressed in the will of the said testator.

Trustees to have power to sell certain lands in Blenheim.

Investment of the proceeds of sales.

tator with respect to the said Blenheim lands, and subject to the same rules and incidents with respect to the devolution thereof, and otherwise, as if the Blenheim lands still remained in realty.

Trusts to be
exercised with-
in ten years.

3. The trust and power of sale hereby authorized by this Act is to be exercised within ten years from the passing thereof. 5

BILL.

An Act to empower the trustees under the will of the late Joseph Bitterman Sprague, to sell certain lands in the Township of Blenheim and County of Oxford.

(PRIVATE BILL.)

First reading, 5th January, 1871.

MR. LOUNT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act of the Province of Ontario, passed in the thirty-first year of the reign of Her Majesty, intituled: "An Act respecting Dentistry," and chaptered thirty-seven.

WHEREAS it is expedient to amend the Act of the Province of Ontario, passed in the session held in the thirty-first year of the reign of Her Majesty Queen Victoria, intituled: "An Act respecting Dentistry," and chaptered thirty-seven: Preamble.
 5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every Board of Directors to be elected after the passing of this Act, shall consist of seven members, of whom any four Board of Directors to consist of seven members.
 10 shall form a quorum.

2. Every Board to be hereafter elected shall hold their first meeting on the day following the election of such Board, at noon, First meeting of the Board.
 at such place in the city of Toronto, as may from time to time be fixed by the Board.

15 3. Section ten of the said Act is hereby repealed, and the following substituted therefor: 31 Vic., cap. 37, s. 10, repealed.

10. "The Board shall have power and authority to appoint the Professors in any Dental College established or to be established in the Province of Ontario, to fix and determine from time Curriculum of studies to be fixed by the Board.
 20 to time a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articulated and employed under some duly licensed practitioner and the examination necessary to be passed before said Board, and the fees to be paid into the hands of the treasurer of said Students to be articulated.
 25 Board before receiving a certificate of license to practice the profession of dentistry." Fees.

4. Section eleven of the said Act is hereby repealed, and the following substituted therefor: 31 Vic., cap. 37, sec. 11, repealed.

11. "The said Board shall hold one meeting in each and every Meetings of the Board for the examination of students, &c.
 30 year, in the City of Toronto, at such place as may from time to time be fixed by the Board, for the purpose of examining students, granting certificates of license, and doing such other business as may properly come before them, such meeting to be holden the first Tuesday in May, and to continue from day to day until the the
 35 business before the said Board shall be finished, but no such meeting shall continue for more than one week."

5. The Board and such Professors, not exceeding three, of Senate, how composed.
 any Dental College established, or to be established, in the Pro-

Power to confer degrees.

vince of Ontario, as the Board shall choose from time to time to associate with them, shall constitute a body to be called the Senate, any seven of which body shall form a quorum, which body shall have full power and authority to confer the degree of Master of Dental Surgery upon the persons mentioned in the next section of this Act, upon their passing such examination as the said Senate shall from time to time determine.

Persons entitled to the degree of Master of dental surgery.

6. All persons who have been constantly engaged for ten years and upwards in an established office practice in the practice of the profession of Dentistry, and all persons who have attended two full terms in any recognized Dental College, and all persons who have attended one full term in any recognized Dental College, or two full terms in any recognized Medical College, and in addition thereto have had five years office practice in the practice of the profession of Dentistry, shall, upon proof thereof, and upon payment of such fees as shall from time to time be fixed by the Board, and upon passing the examination mentioned in the next preceding section of this Act, be entitled to and receive the Degree of Master of Dental Surgery.

Annual meeting of Senate for examinations and for conferring degrees.

7. Such Senate shall hold a meeting annually on the first Tuesday in May at the City of Toronto, at such place as shall from time to time be fixed by the Board, for the purpose of examination for and conferring such degree.

Persons entitled to certificates of license.

8. The Board shall have power and authority to grant a Certificate of License for one year to any person who has been before such Board for examination.

31 Vic., cap. 37, s. 18, amended.

9. Section eighteen of the said Act is hereby amended by striking out the words "not exceeding twenty dollars," and inserting in lieu thereof "of not less than twenty nor more than fifty dollars, and to the costs of prosecution," and by inserting after the word "penalty" the words "and costs," and by inserting after the words "goods and chattels" the words "and in default of such distress, the offender shall be liable to imprisonment in the common gaol of the county in which such conviction shall take place, for a term not less than one month, nor more than two months."

Inconsistent clauses of 31 Vic., cap. 37, repealed.

10. All parts of the said recited Act inconsistent with this Act, are hereby repealed; but such repeal shall not invalidate anything done thereunder.

BILL.

An Act to amend the Act of the Province of Ontario, passed in the thirty-first of the reign of Her Majesty, intituled "An Act respecting Dentistry," and altered thirty-seven.

First Reading 4th January, 1871

MR. G. H. BOULT

TORONTO:

4th Session, 1st Parliament, 34 Victoria,

An Act to confirm and establish a certain survey of the eleventh, twelfth, thirteenth, and fourteenth Concessions of the Township of Portland, in the County of Frontenac, made by Aylesworth Bowen Perry, a Deputy Provincial Surveyor.

WHEREAS by an Act of the late Province of Canada passed in the twenty-eighth year of Her Majesty's reign, and chaptered thirty-one, and entitled: "An Act to authorize a resurvey of part of the Township of Portland in the County of Frontenac," it was enacted that the Commissioner of Crown Lands might cause one Aylesworth Bowen Perry, a Provincial Land Surveyor, to make a survey, and report, and plan of survey, of the eleventh, twelfth, thirteenth, and fourteenth concession lines of the said township of Portland, and which were to be made in pursuance of the direction given in the said Act, and that from and after the confirmation of the said survey by the Commissioner of Crown Lands, the same should be the only and unalterable survey of the said concessions: And whereas it appears by the petition of the Municipal Council of the said township of Portland, that the said Aylesworth Bowen Perry did within the time mentioned in the said Act, and under the direction of the Commissioner of Crown Lands, make a new survey of the said concessions, and concession lines, but the Commissioner of Crown Lands had refused to confirm the same in consequence of certain irregularities therein, or deviations from the directions given in the said Act: And such petition further sets forth that it would entail great expense to have a new survey of such Concessions and that such survey conformed with the spirit of said Act, and is the best that could be made and that it would be an advantage to all parties concerned, that such survey should be established and confirmed, and they pray that the same may be established and confirmed, and it is expedient to grant their prayer: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The survey so made by the said Aylesworth Bowen Perry shall be, and shall be held and deemed to be, and is hereby declared to be, to all intents and purposes, the only true and unalterable survey of the said eleventh, twelfth, thirteenth, and fourteenth concessions of the said township of Portland, and the lines, limits, boundaries, and angles, thereby established and the monuments planted by the said surveyor to mark and designate the same respectively, are hereby declared to be the only true and unalterable lines, limits, boundaries, and angles, of the said concessions, respectively, and of the respective lots, within the same and the only true and unalterable monuments to mark and designate the same respectively, any law, usage, or custom, to the contrary, notwithstanding.

Preamble.

Survey of A. B. Perry, of certain concession lines in the township of Portland confirmed.

BILL.

An Act to confirm and establish a certain survey of the eleventh, twelfth, thirteenth and fourteenth Concessions of the Township of Portland, in the County of Frontenac, made by Aylesworth Bowan Perry, a Deputy Provincial Surveyor.

(*PRIVATE BILL.*)

First Reading 5th Jan. 1871.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to Legalize and Confirm the Survey made by William Smiley, Deputy Provincial Land Surveyor, of that part of the Township of West Oxford lying on the southerly part of the said Township known as the Fifth and Sixth Concessions.

WHEREAS it appears by the petition of the Municipal Council of the Township of West Oxford in the County of Oxford, and certain owners, proprietors, and occupants of lands in the said township, that it was and is doubted whether
5 any actual survey was ever made of that part of the said Township of West Oxford lying south of the fourth concession of the said Township of West Oxford, and in consequence of such doubt, on the application of parties, the Honorable Commissioner of Crown Lands sent one William Smiley out
10 to survey, and lay out that part of the township into lots, concessions, and side line roads; that by the survey and the plans thereof made by the said William Smiley of that part of the said township, parties have bought and sold lands, settlements and improvements have been made according to the
15 survey so made by the said William Smiley, and the Municipal Council of the said township have opened out and made roads on the concession lines established thereby; And whereas the petitioners have prayed that the survey so made by the said William Smiley may be legalized, confirmed, and established
20 by authority of the Provincial Legislature of this Province, as the true survey of that part of the said Township of West Oxford affected thereby, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario,
25 enacts as follows:

The survey of that part of the Township of West Oxford in the County of Oxford which was made by William Smiley, Provincial Land Surveyor for the purpose of correcting any errors in the proper boundaries and in the correctly numbering of the lots in that part of the said Township of West Oxford and for designating the said lots by their proper boundaries and numbers according to the numbers of lots actually contained in that portion of the said township of west Oxford, a map and report of such survey hath
30 by the said William Smiley, been duly returned to the office of the Commissioner of Crown Lands shall be and they are hereby declared to be the true and unalterable survey of that part of the said Township of West Oxford to which the said plan and report relates and that the lots therein shall severally bear
40 the numbers and boundaries assigned in such survey.

Survey in
Township of
West Oxford
by W. Smiley,
confirmed.

BILL.

An Act to Legalize and Confirm the Survey made by William Smiley, Deputy P.L.S., of that part of the Township of West Oxford lying on the southerly part of the said Township known as the Fifth and Sixth Concessions.

(*PRIVATE BILL.*)

First Reading, 5th Jan., 1871.

1
Mr. OLIVER.

TORONTO:

An Act to Incorporate the Oakville, Milton and Guelph Railway Company.

WHEREAS it is expedient to grant a charter for the Preamble.
construction of a Railway from the town of Oakville to the town of Milton, and thence to the village of Campbells-ville or some point in the vicinity thereof, and thence to the
5 town of Guelph : Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. That George C. McKindsey, William D. Lyon, George
Smith, John White, Clarkson Freeman, James B. Willmott, John
10 Dewar, Junior, and Finlay McCallum, of the town of Milton ;
John Barclay, Robt. R. Chisholm, Peter A. McDougall, William
McCrane, William Wass, Worthington E. Hagaman and
Richard Shaw Wood of the town of Oakville ; Henry Cargill,
Thomas Elliott, John Ramsay, Benjamin Kean, Archibald Camp-
15 bell of the township of Nassagawaga ; William Barber, of the
village of Streetsville, in the County of Peel ; John McMillan,
of Hornby ; William J. Simcoe Kerr, Henry P. Zimmerman, of
the township of Nelson ; John McNaughton, of the township of
Esquesing ; Peter Gow, James Goldie, David Allen, John
20 McCrae, John Horseman, James Massie and Adam Robertson,
of the town of Guelph ; together with such persons and cor-
porations as shall in pursuance of the Act become shareholders
of the said Company hereby incorporated, are hereby constitu-
ted and declared to be a body corporate and politic by and un-
25 der the name and style of "The Oakville, Milton and Guelph
Railway Company."

Incorporation.
Corporate
name of Com-
pany.

2. The several clauses of the Railway Act of the Consolida-
ted Statutes of Canada, and amendments with respect to the
first, second, third, fourth, fifth and sixth clauses thereof, and
30 also the several clauses thereof with respect to "interpretation"
"incorporation" "powers" "plans and surveys" "lands and
their valuation" "highways and bridges" "fences" "tolls"
"general meetings" "president and directors, their election
and duties" "calls" "shares and their transfer" "muni-
35 palities" "shareholders" "actions for indemnity and fines
and penalties and their prosecution" "by-laws notices, &c." "working of the railway" and "general provisions" shall be
incorporated with and be deemed to be a part of this Act, and
shall apply to the said Company and to the Railway to be con-
40 structed by them, except only so far as they may be inconsis-
tent with the express enactments hereof, and the expression
"this Act" when used herein, shall be understood to include
the clauses of the said Railway Act so incorporated with this
Act.

Certain clauses
of the Con.
Railway Act
to apply.

Construction
of Railway.

3. The said Company shall have full power under this Act to construct a Railway from any point in the town of Oakville, to the town of Milton, and thence to the village of Campbells-ville, or some point in the vicinity thereof, and thence to the town of Guelph, with full power to pass over any portion of the country between the points aforesaid, as may be determined upon, and the said Company shall further have power to purchase, lease, acquire, hold and control the Oakville Harbour in connection with the said Railway under such arrangements and agreements as may be made by the said Company in relation thereto. 5

Powers as to
the Oakville
Harbour.

Guage of Rail-
way.

4. The guage of the said Railway shall not be less than three feet six inches, and that said Company may lay down rails of wood or iron.

Forms of con-
veyances to
Company,

how to be
registered.

Registrar's
fees.

5. Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in Schedule A, hereunder written, or to the like effect: and such conveyances shall be received by the several registrars, and be registered by duplicates thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 20

Provisional
Directors.

6. From and after the passing of this Act the said George C. McKindsey, William D. Lyon, George Smith, John White, Clarkson Freeman, John Dewar, James B. Willmott and Finlay McCallum, of the town of Milton; John Barclay, Robert K. Chisholm, Peter A. McDougall, William McCraney, William Wass, Worthington E. Hagaman and Richard Shaw Wood, of the town of Oakville; Henry Cargill, Thomas Elliott, John Ramsay, Benjamin Kean and Archibald Campbell, of the township of Nassagawaga; William Barber, of the village of Streetsville, in the County of Peel; John McMillan, of Hornby; William J. Simcoe Kerr, Henry P. Zimmerman, of the township of Nelson; John McNaughton, of the township of Esquesing; Peter Gow, James Goldie, David Allen, John McCrea, John Horseman, James Massie and Adam Robertson, of the town of Guelph, shall be provisional directors of the said Company. 30 35

Powers of
Provisional
Directors.

7. The persons named as provisional directors in the next preceding clause shall hold office as such until the first election of directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open stock-books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the newspapers hereinafter mentioned, and in the *Ontario Gazette*, of the time and place of their meeting, to receive subscriptions, of stock; and the said provisional directors may cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors. 40 45 50

Capital of the
Company.

8. The capital stock of the Company hereby incorporated shall be three hundred and fifty thousand dollars, (with power to increase the same in the manner provided in the Rail- 55

way Act) to be divided into shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all ex-
 5 penses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making equipment, and completion of the said Railway, and the other purposes of this Act, and to no other purpose whatever, and until such preliminary
 10 expenses shall be paid out of the said capital stock, the municipality of any county, town, or township in the line of such works may pay out of the general funds of such municipality its fair proportions of such preliminary expenses which shall hereafter be refunded to such municipality from the capital stock of the
 15 Company, or be allowed to it in payment of stock.

Application of the money raised on the stock.

Municipalities may advance for preliminary expenses.

9. And it shall further be lawful for any municipality or municipalities, through any part of which, or near which, the railway or works of the said company shall pass, or be situated, or which may be benefitted thereby to aid and assist the said
 20 company by loaning or guaranteeing, or giving money by way of bonus, or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient, and for that purpose to issue debentures bearing interest at any rate not to exceed seven per centum per
 25 annum, payable in such sums, and from time to time within twenty years, or earlier, as may be thought expedient: Provided always that such aid, loan, bonus or guarantee shall be given under a By-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions
 30 for the creation of debts: And it shall further be lawful for a majority of the persons rated in the last assessment roll as freeholders in any portion of a municipality to petition the council of such municipality defining the metes and bounds of the section of the municipality, within which the property of the petitioners is situated, expressing the desire of the petitioners
 35 to aid in the construction of the said railway by granting a bonus or donation to the said company for the purpose, and stating the amount which they desire to give and grant, and to be assessed for; and the council of such municipality shall thereupon passed a by-law; for raising the amount so petitioned
 40 ed for by the freeholders in such portion of the municipality by the issue of debentures of the municipality payable within twenty years, or earlier, and for the payments to the said company of the amounts of the said bonus or donation at the time, and on the terms specified in the said petition; For assessing
 45 and levying upon all the ratable property lying within the section defined by the said petition an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively; Pro-
 50 vided the said by-laws shall be approved of as in section two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a municipality
 55 petitioning as aforesaid.

Municipalities may aid by granting bonuses, etc.

Proviso, such aid to be granted by by-law.

If a portion of the municipality desire to aid, council to pass a by-law,

for issuing debentures

for assessing and levying rate.

Proviso. By-law to be approved by electors.

10. Any municipality or any part thereof as aforesaid may Municipalities

may aid company by bonuses, the proceeds of a special uniform rate per year, in lieu of one sum or by issuing debentures, etc.

Company may build railway by sections.

Bonus to be expended in the section of the road determined upon by the municipality granting the bonus.

Debentures to be held by trustees.

How trustees are to be appointed.

Proviso.

Proviso.

Appointment of new trustees.

Trusts on which the debentures are to be held.

also assist the said company by granting by way of bonus the proceeds realized by a special uniform rate per year on the ratable property of such municipality or part thereof for an agreed number of years in lieu of one sum, or by issuing debentures, or the creation of a debt, and may pass by-laws for granting aid by a special rate in the same manner as is hereinbefore provided with respect to the by-laws in aid of the said company, which by-laws must be subject to the confirmation of the ratepayers, according to the provisions of the Act respecting municipal institutions. The said company shall have power to build the said railway by sections, the first section to commence at the Town of Oakville, and terminate at the village of Campbells-ville or some point in the vicinity thereof as may be determined by a resolution of the directors of the said company ; the second section to commence at such point as may be so selected as the terminus of the first section, and to terminate at the Town of Guelph ; The bonuses to be granted by any municipality or portion of municipality towards the construction of the said railway shall be expended in such section of the said road as the council of the municipality or portion of municipality granting such bonus shall determine, such determination to be communicated to the trustees in writing, under the seal of the municipality.

11. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures thereof shall within six weeks after the passing of the by-law authorizing the same be delivered to three trustees to be named one by the Lieutenant-Governor in Council, one by the said company, and one by the warden of the County of Halton, all which trustees shall be residents of the County of Halton ; Provided that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant Governor in Council ; Provided also that the said warden shall appoint the said trustee to be named by him by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose, notice of which shall be sent to the said warden by mail at least fourteen days before the day appointed, and if the said warden then fail or neglect to name such trustee, the said company shall be at liberty to name one in the place of the trustee to have been named by the said warden.

12. Any trustee appointed may be removed, and a new trustee appointed in his place, at any time by the consent of the Lieutenant Governor in Council, the said warden and the said company.

13. The said trustees shall receive the said debentures in trust, firstly to convert the same into money, secondly to deposit the amount realized from the sale of the said debentures in some one of the chartered banks of Ontario under the style of the Oakville, Milton and Guelph Municipal Trust Account, and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule B hereto or to the

like effect, to be expended by them *pro rata* on each mile of railway built between the point of commencement at Oakville and the town of Guelph; and the said certificate of the chief engineer shall set out the portion of the railway to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount to be applied on the work done; and the said certificate shall be attached to the cheques of the said trustees respectively as they shall be drawn, and the wrongfully granting of any such certificate by such engineer shall be punishable by a fine not exceeding two thousand dollars, or, in the failure of the payment thereof, to be imprisoned for a period not exceeding one year, and the act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

14. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, the directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

General meeting for the election of directors, when to be called.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

How the meeting may be called, if the provisional directors neglect to call the same.

16. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper published in the county of Halton, once in each week for the space of at least one month, and such meeting shall be held at such place and on such day as may be named by such notice.

Notice of general meeting.

17. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

18. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification of directors.

19. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the county of Halton.

Annual meetings when and where to be held;

notice thereof.

20. Special general meetings of the shareholders of the Special gene-

ral meetings,
when and
where to be
held.

said company may be held at such places, at such times, and in such manner and for such purposes, as may be provided by the by-laws of the said company, and after due notice thereof shall be given as aforesaid.

Issue of bonds
by the Com-
pany.

21. The directors of the said company, after the sanction 5
of the shareholders shall have been first obtained at any
special general meeting to be called from time to time for such
purpose, but limited to the terms of this Act, shall have power
to issue bonds made and signed by the President or Vice-
President of the said company, and countersigned by the 10
Secretary and Treasurer and under the seal of the said
company, for the purpose of raising money for prosecuting
the said undertaking, and such bonds shall, without registra-
tion or formal conveyance, be taken and considered to be first
and preferential claims and charges upon the undertaking, and 15
the property of the company real and personal, and then
existing and at any time thereafter acquired; and each holder
of the said bonds shall be deemed to be a mortgagee and in-
cumbrancer *pro rata* with all the other holders thereof upon
the undertaking and the property of the company as aforesaid; 20

How the bonds
are to be is-
sued.

Provided, however, that the whole amount of such issues of
bonds shall not exceed in all the sum of one hundred thousand
dollars, nor shall the amount of such bonds issued at
any one time be in excess of the amount of the actual paid
up cash instalments on its share capital, together with the 25
paid-up municipal and other bonusses, and which have been
actually expended in surveys and in works of construction upon
the line; Provided also that in the event at any time of the
interest upon the said bonds remaining unpaid and owing, then
at the next ensuing general annual meeting of the said company 30
all holders of bonds shall have and possess the same rights,
privileges and qualifications for directors and for voting as are
attached to shareholders; Provided further that the bonds
and any transfers thereof shall have been first registered in
the same manner as is provided for the registration of shares. 35

Rights of bond-
holders at an-
nual meeting.

Proviso.

Securities may
be payable to
bearer.

22. All such bonds, debentures, mortgages and other securities
and coupons and interest warrants thereon respectively may be
made payable to bearer and transferable by delivery, and any
holder of any such so made payable to bearer, may sue at law 40
thereon in his own name.

Company may
make promiss-
sory notes, &c.

23. The said company shall have power and authority to
become parties to promissory notes and bills of exchange for
sums not less than one hundred dollars, and any such promissory
note made or endorsed, or any such bill of exchange drawn,
accepted or endorsed by the president or vice-president of the 45
company, and countersigned by the secretary and treasurer of
the said company, and under the authority of a quorum of the
directors, shall be binding on the said company; and every
such promissory note or bill of exchange so made shall be
presumed to have been made with proper authority until the 50
contrary be shown; and in no case shall it be necessary to
have the seal of the said company affixed to such promissory
note or bill of exchange, nor shall the president or vice-
president or the secretary and treasurer be individually respon-
sible for the same, unless the said promissory notes or bills 55
of exchange have been issued without the sanction and
authority of the board of directors, as herein provided and

if not intended
to be circulat-
ed as money.

enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

5 **24.** Every shareholder of one or more shares of the said capital stock, and bondholders as provided in section twenty-two of this Act, in the same ratio as shareholders, shall at any general meeting of the shareholders be entitled to one vote for every share held by him. Scale of votes.

10 **25.** At all meetings of the company the stock held by municipal and other corporations may be represented by such persons as they shall have respectively appointed in that behalf by by-law, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no How stock held by Corporations to be represented.

15 shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid at least one week before the day appointed for such meeting. Only shareholders who have paid up to vote.

26. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

27. On the subscriptions for shares of the said capital stock, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him; and the said directors shall deposit the same in some chartered bank to the credit of the said company, and not to be taken therefrom except for the purpose of the company. Deposit on subscription, how paid and deposited.

30 **28.** Thereafter, calls may be made by the directors for the time being as they shall see fit; Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month. Calls.

35 **29.** Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining, and using the said railway, it shall be necessary to purchase more land than is required for such stations or gravel pits or other purposes; the said company 40 may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner and for such purposes connected with the constructing, maintenance, or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, 45 from time to time as they may deem expedient. Company may use land for gravel pits, &c. and waters of streams.

30. This Act, and all the provisions thereof, shall become null and void unless the construction of the said railway be commenced within two years, and completed within five years, after the passing of the same. Time for commencing and completing railway.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS that I (or we) (insert also the name of wife or any other person who may be a party) in consideration of dollars to me (or as the case may be) by "the Oakville, Milton, and Guelph Railway Company," the receipt whereof is hereby acknowledged do grant and convey, and (I the said do grant and release, or do bar my dower in as the case may be,) all that certain parcel (or those certain parcels as the case may be,) of lands situate, (describe the land,) the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with their appurtenances unto the said the "Oakville, Milton, and Guelph Railway Company," their successors and assigns.

As witness (my or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed, and de- }
livered in presence of }

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

THE OAKVILLE, MILTON, AND GUELPH RAILWAY COMPANY'S
OFFICE, ENGINEER'S DEPARTMENT, A.D. 18 .

No.

Certificates to be attached to cheques drawn on the Oakville, Milton, and Guelph Municipal Trust Account, and given under section of cap. Vic.

I, , Chief Engineer for "the Oakville, Milton, and Guelph Railway Company," do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the boundary of the town of Oakville) the sum of dollars to date, and that the total *pro rata* amount due for the same, from the Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

BILL.

An Act to incorporate the Oakville, Milton, and Guelph Railway Company.

(PRIVATE BILL.)

First reading 5th January, 1871.

Mr. BAR

TORONTO:

4th Session 1st Parliament 34 Victoria, 1870

An Act to Incorporate the Trustees of the Friends
Seminary of the Province of Ontario.

WHEREAS an Act was passed by the Legislature of the Preamble.
late Province of Canada in the year of
Her Majesty's reign, chaptered , intituled "an Act
to incorporate the Trustees of the Friends or Quakers Seminary
5 in the township of Hallowell in the district of Prince Edward?"
And whereas said Seminary was and is the property of the
Society of Friends now composing the yearly meeting of Friends
of Canada; And whereas it has been represented by the petition
of Allen M. Dorland, Gilbert Jones, and William T. Hubbs,
10 three of the Trustees of the Friends Seminary appointed by the
authority of the Act passed in the Session held in the tenth
and eleventh years of the reign of Her Majesty, chaptered one
hundred and four, and fully authorized to act on the behalf of
the said corporation, that it is the opinion of the said yearly
15 meeting of Friends that the usefulness of the said Seminary
would be largely increased by changing its location to the
township of Pickering near the village of Duffins Creek, in the
county of Ontario in the said Province of Ontario, and that a
new Act of Incorporation is thereby rendered desirable, and
20 whereas it is proper to grant the prayer of said petition; There-
fore Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The yearly meeting of the Religious Society of Friends of
25 Canada shall have power and are hereby authorized to establish
a Seminary in the township of Pickering near the village of
Duffins Creek, for the purpose of giving a sound practical
education including the classics, and for the furtherance of that
object are empowered at their annual meeting in the said town-
30 ship of Pickering to appoint three trustees, who shall be
members of said society and residents of this province, in ac-
cordance with the usages of said society, who shall hold office
during pleasure, and that they and their successors in office
shall be a body politic and corporate, constituted and known as
35 "The Trustees of the Friends Seminary of Ontario," and shall by
that name have perpetual succession and a common seal with
power to alter, renew, or change the same at pleasure. And
shall by the said name at all times hereafter have power to
purchase, acquire, hold, possess, and enjoy, take, accept, and
receive for the uses of the said Institution without any further
40 authority, license, or letters of mortmain, any lands or im-
movable property or hereditaments or any personal property
of what nature soever within the province of Ontario, not
exceeding in yearly value the sum of six thousand dollars
currency, and the same to hold alienate and dispose of and

Society of
Friends auth-
orized to estab-
lish a Semin-
ary.

Authority to
appoint
Trustees.

Incorporate
name.

Power to ac-
quire lands.

others to purchase, acquire, and hold in their stead, for the purposes aforesaid, and the said corporation may by the said name sue and be sued in all courts of Law and Equity in as large, ample, and beneficial a manner as any body politic or corporate in this province.

5

Affairs to be managed by a Committee.

Powers to pass by-laws.

The Trustees *ex officio* members of the Committee.

Present property and assets vested in certain trustees.

Annual return to be made to the Chief Superintendent of Schools.

2. That the affairs of the said Institution shall be under the management of a Committee of five or more members of the Canada yearly meeting of Friends, five of whom shall form a quorum for business to hold office during pleasure, and to have authority and power to make by-laws, rules, and regulations, not being contrary to this Act, or to the laws of this province, or to any by-laws, rules, and regulations now or hereafter to be made by the aforesaid Society of Friends of the said Canada Yearly Meeting for the government and management of the said Institution, and of the affairs and property thereof, and for all other purposes relating to the well being and interest of the same, and the same to annul, alter, or repeal at pleasure in such manner as shall be deemed necessary or expedient.

3. The Trustees appointed in accordance with the provisions of this Act shall be at all times *ex officio* members of the committee of management, and it shall be the duty of them or either of them to affix the corporate seal to each and every document drawn up or issued by the said committee, and every such document thus sealed and signed by the clerk of the committee shall be held to be an act of the corporation.

4. All and every of the estate and property real or personal of the Institution referred to in the preamble to this Act, or of the Institution to which this Act refers, including all bequests made to the said Institution held at the time of the passing of this Act, and all debts due or rights possessed by the said Institution, or either of them at the said time shall be and are hereby vested in the said Trustees hereby constituted and appointed, namely, Allen M. Dorland, Gilbert Jones, and William T. Hubbs, and their successors in office, who shall in like manner be liable to and for all debts due by or claims upon the said Institution: Provided always that a detailed account of the property to be holden by the said Institution under the authority of this Act; including a general account of the year's operations, the number of pupils in attendance, their classification, and when the Institution is in operation, shall be presented annually to the Chief Superintendent of schools, and so much of it as he deems expedient, and be by him embodied in his annual report.

5. Nothing herein contained shall affect or be construed to affect in any manner the rights of Her Majesty, her heirs or successors, or if any person or persons, body politic or corporate such only excepted as are herein before mentioned and provided for.

An Act to Authorize the Law Society of Upper Canada to admit Daniel Brooke, Junior, as a Barrister-at-Law.

WHEREAS, Daniel Brooke, Junior, has by his petition Preamble.
 represented that he was in the year one thousand eight hundred and forty-eight, admitted to practice as an Attorney and Solicitor in Her Majesty's Courts of Law and Chancery for
 5 Upper Canada, (now the Province of Ontario,) at Osgoode Hall, in the City of Toronto, and has been ever since continually engaged in the practice of his profession: And, whereas the said Daniel Brooke, Junior, acted as advocate in the County Court until the month of January one thousand eight hundred
 10 and sixty-four, when it was decided that attorneys could not act as advocates in County Courts or courts of co-ordinate jurisdiction: And whereas the said Daniel Brooke, Junior, has not passed the Law Society: And whereas for the reasons aforesaid the said Daniel Brooke, Junior, has prayed that an
 15 Act may be passed to enable the Law Society of Ontario, to call him to the Bar of Ontario, upon passing the usual final examination prescribed by the said Society: And whereas it is expedient to grant the prayer of the said Petition. Therefore Her Majesty by and with the advice and consent of
 20 the Legislative Assembly of the Province of Ontario, enacts as follows:—

It shall and may be lawful for the Law Society of Ontario, Law Society
to admit
Daniel Brooke
Jr., to the de-
gree of Barris-
ter-at-law on
certain condi-
tions.
 in their discretion and upon payment of the usual fees therefor
 at any time to call and admit the said Daniel Brooke, Junior,
 25 to the degree of Barrister-at-law, and to the practice of the law as
 such on passing such final examination as may be prescribed by
 the said Society, without his compliance with any of the other
 requirements or provisions of law, or other rules and regulations
 of the said Society in that behalf, any law, custom, or usage to
 36 the contrary notwithstanding.

BILL.

An Act to authorize the Law Society of
Upper Canada to admit Daniel Brooke,
Junior, as a Barrister-at-Law.

(*PRIVATE BILL.*)

First Reading, 5th Jan., 1871.

Mr. LOUNT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Law Society of Ontario to admit William Henry Steele as a Barrister at Law.

WHEREAS William Henry Steele, has by his petition re-
presented that he was in Easter Term in the year of our
Lord, one thousand eight hundred and sixty-four, admitted to
practice as an Attorney and Solicitor in Her Majesty's Courts
of Upper Canada, after having served under articles of clerkship
for five years, and has since his admission, been engaged in the
practice of an Attorney and Solicitor : And whereas for the rea-
sons aforesaid, the said William Henry Steele, has prayed that
an Act may be passed to enable the Law Society of Ontario to
call him to the Bar of Ontario, upon passing the usual prelimin-
ary and final examinations prescribed by the said Society : And
whereas it is expedient to grant the prayer of the said petition :
Therefore Her Majesty by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows :

It shall and may be lawful for the Law Society of Ontario, in their discretion, and upon payment of the usual fees therefor, at any time to call and admit the said William Henry Steele to the degree of Barrister-at-Law, and to the practice of the Law as such on passing such preliminary and final examinations as may be prescribed by the said Society, without his compliance with any requirements or provisions of law or other rules and regulations of the said Society in that behalf, any law, custom, or usage to the contrary, notwithstanding.

Preamble.

The Law So-
ciety to ad-
mit W. H.
Steele to the
degree of Bar-
rister-at-Law
on certain
conditions.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to authorize the Law Society of Ontario to admit William Henry Steele as a Barrister-at-Law.

(*PRIVATE BILL.*)

First Reading, Jan. 5th, 1871.

Mr. LOUNT.

TORONTO:

An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law, and of the County Courts.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That sections one hundred and ten, one hundred and
 5 twelve, one hundred and thirteen, one hundred and fourteen,
 and one hundred and thirty, of chapter twenty-two of the Con-
 solidated Statutes of Upper Canada, be and the same are here-
 by repealed. 22 Vic., ch. 22,
ss. 110, 112,
113, 114, 130.
2. That the costs of any issue, either of fact or of law, shall
 10 follow the finding or judgment on such issue, and be adjudged
 to the successful party, whatever may be the result of the other
 issue or issues. Costs of issue
to follow its
result.
3. That in all actions brought in any of the County Courts
 of this Province, it shall be lawful for the Judge of the County
 15 Court where the proceedings are commenced, to change the
 venue according to the practice now in force in the Superior
 Courts; and in the event of an order being obtained for that
 purpose, the clerk of the County Court where the action was
 commenced shall forthwith transmit all papers in the cause to
 20 the clerk of the county to which the venue is changed, and all
 subsequent proceedings shall be carried on in said last men-
 tioned county. Judge of
County Court
may change
venue.
4. That section one hundred and nine be amended by adding
 after the word "Judge" in the first line, the words, "or the
 25 County Judge of any County wherein the action is brought,
 excepting the County of York." 22 Vic., ch. 22,
s. 109, amend-
ed.
5. That section one hundred and twenty-nine be amended by
 adding to the end thereof the following words, "but this shall
 not apply to any action wherein the venue is laid in the County
 30 of York." 22 Vic., ch. 22,
s. 129, amend-
ed.
6. That in all actions of replevin the Judge of the County
 Court of the County where the goods are, which are sought to
 be replevied (excepting the County of York), shall have the
 power of issuing the order in the same manner as by law the
 35 Judges of the Superior Courts are empowered to issue the same. Judges of
County Courts
(except in
York), may
issue orders for
writ of Re-
plevin.
7. That if any debtor in execution shall escape out of legal
 custody after the passing of this Act, the Sheriff, Bailiff, or
 other person having the custody of such debtor, shall be liable Sheriffs, &c.,
not to be liable
in debt for
escape.

only to an action upon the case for damages sustained by the person or persons at whose suit such debtor was taken or imprisoned, and shall not be liable to any action for debt in consequence of such escape.

Any number
of pleas may
be pleaded.

8. That it shall and may be lawful to plead any number of 5
pleas, replications, avowries, cognizances or other pleadings
without leave of the Court or a Judge; Provided always that
the opposite party shall be at liberty to apply to the Court or a
Judge to disallow any plea upon the ground of embarrassment,
untruthfulness or delay. 10

Witnesses to
be put out of
Court.

9. That the Judge at any trial shall at the request of either
party cause the witnesses to be removed from the Court during
such trial; and any such witness who shall return to the Court
without leave shall be liable to be punished in such manner as
to the said Judge may seem proper; Provided always that the 15
said Judge may in his discretion exclude the testimony of any
witness who shall return to the Court without leave of the Judge.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act to regulate the
procedure of the Superior Courts of Com-
mon Law, and of the County Courts.

First reading, 6th January, 1871.

MR. RYKERT.

TORONTO:

An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law, and of the County Courts.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That sections one hundred and ten, one hundred and
 5 twelve, one hundred and thirteen, one hundred and fourteen, and one hundred and thirty, of chapter twenty-two of the Consolidated Statutes of Upper Canada, be and the same are hereby repealed. 22 Vic., ch. 22, ss. 110, 112, 113, 114, 130.
2. That the costs of any issue, either of fact or of law, shall
 10 follow the finding or judgment on such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues, unless the judge at the trial shall certify to the contrary. Costs of issue to follow its result.
3. That in all actions brought in any of the County Courts
 15 of this Province, it shall be lawful for the Judge of the County Court where the proceedings are commenced, to change the venue according to the practice now in force in the Superior Courts; and in the event of an order being obtained for that purpose, the clerk of the County Court where the action was
 20 commenced shall forthwith transmit all papers in the cause to the clerk of the county to which the venue is changed, and all subsequent proceedings shall be entered and carried on in said last mentioned county as if the proceeding had originally been commenced in such last mentioned court. Judge of County Court may change venue.
- 25 4. That section one hundred and nine be amended by adding to the end thereof the following: "Provided always that the Judge of the County Court shall have the power to grant such leave in cases brought in either of the Superior Courts when both the plaintiff's and defendant's attorney reside in the
 30 county where such action is commenced. 22 Vic., ch. 22, s. 109, amended.
5. That section one hundred and twenty-nine be amended by adding to the end thereof the following words, "but this shall not apply to any action wherein the venue is laid in the County of York." 22 Vic., ch. 22, s. 129, amended.
- 35 6. That in all actions of replevin the Judge of the County Court of the County where the goods are, which are sought to be replevied (excepting the County of York), shall have the power of issuing the order in the same manner as by law the Judges of the Superior Courts are empowered to issue the same. Judges of County Courts (except in York), may issue orders for writ of Replevin.

Sheriffs, &c.,
not to be liable
in debt for
escape.

7. That if any debtor in execution shall escape out of legal custody after the passing of this Act, the Sheriff, Bailiff, or other person having the custody of such debtor, shall be liable only to an action upon the case for damages sustained by the person or persons at whose suit such debtor was taken or imprisoned, and shall not be liable to any action for debt in consequence of such escape. 5

Any number
of pleas may
be pleaded.

8. That it shall and may be lawful to plead any number of pleas, replications, avowries, cognizances or other pleadings without leave of the Court or a Judge; Provided always that the opposite party shall be at liberty to apply to the Court or a Judge to disallow any plea upon the ground of embarrassment, or delay. 10

Witnesses may
be put out of
Court.

9. That the Judge at any trial shall at the request of either party cause the witnesses to be removed from the Court during such trial; and also the parties to the suit if in the discretion of the Judge it is deemed necessary; and any such witness who shall return to the Court without leave shall be liable to be punished in such manner as to the said Judge may seem proper; Provided always that the said Judge may in his discretion exclude the testimony of any witness who shall return to the Court without leave of the Judge. 15 20

10. In any case whereon the trial leave is reserved to move to enter a non-suit or to enter a verdict for the defendant and the jury disagree and find no verdict, the court, on motion in Term pursuant to such leave, may give the same judgment as if a verdict had been found for the plaintiff. 25

11. Every writ of summons issued against a railway, telegraph, or express corporation, and all subsequent papers and proceedings in the event of an appearance not having been duly entered, may be served on the agent of such corporation, at any branch or agency thereof, or on any station master of any railway company, or on any telegraph operator, or on any express agent having charge of an express office, shall for the purpose of being served with a writ of summons issued against such corporation, or any paper or proceeding as aforesaid in the event of non-appearance, be deemed the agent thereof. 30 35

12. In all cases where pleadings or notices of trial or countermand of notice of trial in either of the Superior Courts of Common Law, or in the County Court, are served upon the agent of the attorney in the cause in Toronto two clear additional days to the time now allowed by law for such service shall be added.

13. That section twenty-eight of chapter thirty-five of the Consolidated Statutes for Upper Canada be repealed and the following substituted therefor: 40 45

"Upon the application of the party chargeable by such bill within such month any of the Superior Courts of Law or Equity or any Judge thereof, or any Judge of a County Court shall without money being brought into court refer the bill and the demand thereon to be taxed by the proper officer of any of the Courts in the county, in which any of the business charged for in such bill was done, and the Court or Judge making such

reference shall restrain the bringing any suit for such demand pending the reference."

14. That the second section of the Act passed in the twenty-eighth year of Her Majesty's reign, chaptered nineteen, be
5 amended by erasing the figure "4" in the fourth line of such section and substituting therefor the figure "9."

BILL.

An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law, and of the County Courts.

(Reprinted as amended by Special Committee.)

First Reading, 6th Jan., 1871.

Mr. PIERCE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO., KING ST.

No. 39.]

BILL.

[1871.

An Act to Repeal an Act dividing the Township of Marysburgh into two Municipalities.

WHEREAS by an Act passed in the Session of the Legislature of Ontario, held in the thirty-third year of Her Majesty's reign, and chaptered sixty-three, the Township of Marysburgh was divided into two Townships; And whereas it appears that the majority of the inhabitants of the said Township were opposed to such division, and are desirous that the said Act should be repealed; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

- 10 1. That the said Act shall be and the same is hereby repealed from and after the first day of January one thousand eight hundred and seventy-two.

33 Vic., c. 63,
repealed.

4th Session, 1st Parliament, 34 Vic, 1871.

BILL.

An Act to Repeal an Act dividing the
Township of Marysburgh into two Muni-
cipalities.

(*PRIVATE BILL.*)

First Reading, 5th January, 1871.

Mr. ANDERSON.

An Act to extend to the Townships of Albion and King, the provisions of the Act passed in the first session of the Parliament of the late Province of Canada, held in the twenty-second year of the reign of Her Majesty Queen Victoria, chaptered fifty-nine.

WHEREAS the Municipal Council of the Township of Preamble.

Albion, in the County of Peel, have by their petition set forth that for the avoidance of serious difficulties and disputes, it is desirable to extend the provisions of the Act hereinafter mentioned to the location of the road extending along the Indian or thirty-six mile line to the northern limit thereof, between the said Municipality of Albion and the Municipality of the Township of King, in the County of York: And whereas it appears that the allegations of the said petition are well founded; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. All the provisions of the Act passed in the first session of the Parliament of the late Province of Canada held in twenty-second year of Her Majesty's reign, intituled "an Act to establish the true location of the allowance for road between the Municipalities of Toronto, Gore and Etobicoke," and chaptered fifty-nine, as to the location of the said allowance for road shall apply, and are hereby extended to the location of the said allowance for road between the Municipalities of Albion and King, and throughout the whole length of the said Indian or thirty-six mile line.
- Provisions of 22 Vic. c. 59 extended.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to extend to the Townships of Albion and King, the provisions of the Act passed in the twenty-second year of the reign of Her Majesty Queen Victoria, chaptered fifty-nine.

(*PRIVATE BILL.*)

First Reading, 6th January, 1871.

Mr. SWINARTON.

TORONTO:

No. 41.]

BILL.

[1871.

An Act to Abolish Imprisonment for Debt.

WHEREAS it is expedient to repeal the law authorizing im- Preamble.
prisonment for judgments recovered in the Division
Courts: Therefore Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
5 enacts as follows:

1. So much of the Division Courts Act as empowers the judge to order any debtor to be committed to the common gaol for non-payment of any debt, damages or costs, is hereby re-
pealed. Powers of
Division Court
Judges to
imprison for
debt abol-
ished.
2. Any person imprisoned for non-payment of any debt, damages or costs, under the provision hereby repealed, shall be
10 forthwith released from custody. Persons now
imprisoned for
Division Court
debt to be
released.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to Abolish Imprisonment for Debt.

First Reading, 6th Jan., 1871.

MR. BLAKE.

TORONTO:

An Act for the protection of persons improving Lands
under a mistake of Title.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Whenever any action of ejectment is brought to recover
5 the possession of land on which the defendant has made im-
provements under the belief that the land was his own, the de-
fendant may at or before the time of appearing give the plaintiff
or his attorney a notice in writing stating,

In ejectment,
if defendant
has improved
under belief of
title, he may
give notice,

(1.) The amount which he claims as the enhancement of the
10 value of the land by such improvements, and also (if he so
chooses),

(1) of amount
he claims,

(2.) That on payment thereof he will surrender the posses-
sion to the plaintiff, and that he does not intend at the trial to
contest the title of the property.

(2) that on
payment he
will surrender.

2. Whenever the plaintiff desires to claim the option of releas-
15 ing the land to the defendant on being paid its value apart from
such improvements, he shall within ten days after the giving of
a notice containing the first statement in the first clause detail-
ed, give the defendant or his attorney a notice in writing stating,

Plaintiff may
give notice,

(1.) The amount which he claims as the value of the land apart
20 from such improvements, and also, (if he so chooses),

(1) of what
he claims for
the land apart
from improve-
ments,

(2.) That on payment thereof he will release the land to the
defendant.

(2) and on pay-
ment he will
convey.

3. Whenever a notice containing the second statement in the
25 first clause detailed has been given, it shall not be necessary for
the plaintiff at the trial to prove his title, which shall be taken
as admitted.

If defendant
give notice he
will surrender,
plaintiff's title
thereby admit-
ted.

4. In case it appears at the trial of any such action that a
notice containing the first statement in the first clause detailed
30 has been given, and that the defendant has made improvements
on the land under the belief that the land was his own, the judge
shall cause damages to be assessed to the defendant for the
amount, if any, by which the value of the land is enhanced by
such improvements, and shall also, whenever it appears at the
35 trial that a notice containing the statement in the second clause
detailed, has been given, cause the value of the land apart from
such improvements to be assessed.

Value of the
land apart
from improve-
ments, when
to be assessed.

On verdict for
plaintiff *hab.*
fac. poss. not to
issue, unless

5. If a verdict be found for the plaintiff, no writ of possession shall issue unless,

(1) the notices
in s. 2 given
and the sum
claimed not
more than
assessed value;

(1.) It appears at the trial that a notice containing the statements in the second clause detailed, has been given, and that the amount claimed by the plaintiff was no greater than the assessed value of the land, or, 5

plaintiff before
fourth day of
term pay the
damages as-
sessed.

(2.) The plaintiff before the fourth day of the ensuing term pays or tenders the assessed damages to the defendant, or,

(3) or, plain-
tiff offer to con-
vey on pay-
ment of value
and defendant
before fourth
day of term do
not pay.

(3.) The plaintiff offers to release the land to the defendant, on payment of the assessed value of the land and the defendant does not before the fourth day of the said term pay or tender 10
such value to the plaintiff.

If amount
claimed by de-
fendant not
more than the
damages as-
sessed him, and
the difference
only was in
question, plain-
tiff liable for
costs,

6. In case it appears at the trial that the amount of damages assessed to the defendant is as great as, or greater than the amount claimed by the defendant, and that the action has been prosecuted by reason of a difference as to the amount claimable by the defendant, the plaintiff shall be liable to pay the costs of the enquiry as to damages. 15

if the value of
the land
less than
claimed by
plaintiff, and
the difference
only in ques-
tion, plaintiff
liable for
costs.

(7.) In case it appears at the trial that the assessed value of the land is less than the amount claimed by the plaintiff, and that the action has been prosecuted by reason of a difference as to the amount claimable by the plaintiff, the plaintiff shall be 20
liable to pay the costs of the enquiry as to the value.

Act not appli-
cable to ac-
tions brought
before 1st of
February
1872.

8. This Act shall not apply to any action of ejectment brought before the first day of February, in the year of our Lord, one thousand eight hundred and seventy-two, but it shall apply to all actions of ejectment brought after the said day. 25

An Act to amend the Act to amend the Act incorporating the Toronto, Grey and Bruce Railway Company.

WHEREAS, by the fifth clause of the Act, passed in the Preamble.

thirty-third year of the reign of Her Majesty Queen Victoria, and chaptered forty-one, intituled "An Act to amend the Act passed in the session held in the thirty-first year of Her Majesty's reign, chaptered forty, intituled 'An Act to incorporate the Toronto, Grey and Bruce Railway Company,'" and the Act passed in the session held in the thirty-second year of Her Majesty's reign, chaptered eighty-two, amending the same it is enacted as follows :—

- 10 "In case the majority of the persons rated on the last assessment roll as freeholders, as may be qualified voters under the
 "Municipal Act, in any portion of a municipality, do petition
 "the council of such municipality to pass a by-law as hereinafter
 "set out, such petition to define the metes and bounds of the
 15 "section of the municipality within which the property of the
 "petitioners is situated, or in the case of a county municipality,
 "the majority of the Reeves and Deputy Reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter
 20 "set out, and in such petition do define the townships for
 "which they are respectively the Reeves and Deputy Reeves,
 "and expressing the desire of the said petitioners to aid
 "in the construction of the said railway, by granting a
 "bonus to the said company for this purpose, and stating the
 25 "amount which they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law,
 "provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by
 30 "the Municipal Act;

- "(1.) For raising the amount so petitioned for by such freeholders, or such reeves and deputy-reeves, in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery to the
 35 "said Trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

- "(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the
 40 "payment of the debentures with interest thereon, said interest to be payable yearly or half-yearly, which debentures the municipal councils, and the Wardens, Reeves, and other Officers thereof are hereby authorized to execute and issue in such cases respectively :—"

- 45 And whereas the corporation of the township of Carrick has

presented a petition representing that by the said clause no power is given to any township or townships not desirous of being grouped under the said clause to avoid the imposition of a tax for the benefit of the said Railway Company, it being only necessary for a simple majority of the electors, or of the Reeves 5 and Deputy Reeves of such townships to petition the County Council, in order to cause them to take action in the matter, and representing that other difficulties and injuries may result from the said clause, and that the said township had no notice of the said Act, and praying relief in the premises ; And where- 10 as it is expedient to grant relief in the premises ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

33 Vic., cap. 41, s. 5 repealed as to county municipalities. 1. The said fifth clause of the said Act shall be, and the same 15 is hereby repealed as to county municipalities.

BILL.

An Act to amend the Act to amend the Act incorporating the Toronto, Grey and Bruce Railway Company.

(PRIVATE BILL.)

First Reading, 6th Jan., 1871.

MR. BLAKE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to enlarge the powers of the Town of Brantford respecting the Grand River Navigation Company.

WHEREAS by an Act passed in the thirty-first year of the Preamble.
 reign of her present Majesty, by the Legislature of Ontario, entitled "An Act respecting the Grand River Navigation Company," power was given to the Corporation of the Town of
 5 Brantford to sell and convey all its estate and interest in the said Grand River Navigation, and other the premises in said Act mentioned, to any company wishing to purchase the same; And whereas it was and is by said Act provided, that no such grant or conveyance shall be made and executed until the com-
 10 pany so purchasing shall have actually expended the sum of thirty thousand dollars, at the least, out of the capital stock of such company, in the improvement of the said Grand River Navigation, and the works thereof; And whereas the said Corporation of the Town of Brantford have petitioned for the en-
 15 largement of their powers in respect of the disposition by them of said Grand River Navigation and the works thereof: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 20 1. For and notwithstanding anything in the said Act contained, the said Corporation of the Town of Brantford may give, grant, sell and convey the said Grand River Navigation, the works thereof, and other the premises in said Act mentioned or referred to, or any part or portion thereof, upon such terms as
 25 shall be agreed upon in that behalf, to any company willing to purchase the same, with a capital stock of not less than ten thousand dollars, and if no gift, grant or sale thereof shall be made by the said corporation of the Town of Brantford to any such company within four months from the passing of this Act,
 30 then the said corporation may give, grant, sell and convey the same or any part thereof remaining undisposed of to any municipality or municipalities adjoining the said Navigation Works or any part thereof, or to any person or persons willing to purchase the same upon such terms as may be agreed upon in that
 35 behalf; And the grant and conveyance of said Navigation Works and premises, or any part or portion thereof by the said corporation to any such company, municipality or municipalities, person or persons so purchasing the same shall have the effect of vesting in the said company, municipality or municipalities,
 40 person or persons so purchasing, their successors, heirs and assigns respectively all the powers, franchises, authorities and liabilities of the said corporation of the Town of Brantford in reference to the said navigation and other, the premises which shall then be vested in said corporation of the Town of Brant-

Power to corporation of Brantford to sell the Grand River Navigation works, etc.

terms as may be agreed upon in that behalf ; And the grant and conveyance of said Navigation Works and premises, or any part or portion thereof, by the said corporation, to any company, municipality or municipalities, person or persons so purchasing or acquiring the same, shall have the effect of vesting in such company, municipality or municipalities, person or persons so purchasing, their successors, heirs and assigns respectively, all the powers, franchises, authorities and liabilities of the said corporation of the Town of Brantford in reference to the said navigation and other the premises which shall then be vested in said corporation of the Town of Brantford, as to and in respect of the part, portion or parcel of said Navigation Works and premises so conveyed to any such company, municipality or municipalities, person or persons respectively ; and from and after such conveyance of the whole or part thereof the liability of the said corporation of the Town of Brantford (if any) in respect of the part or parts so conveyed as regards all acts, contracts and dealings with the said Navigation Works and premises, breaches of covenant or contract, or otherwise howsoever which may have been done or suffered, or which may be made, done or suffered, shall cease and determine : Provided nevertheless that no such gift, grant or sale as aforesaid shall affect or include the lands and premises granted to the said corporation of the Town of Brantford by a certain patent, dated the twenty-sixth day of June, one thousand eight hundred and sixty-four, being certain lands and premises at or near the village of Cainsville.

Proviso.

The provisions of 31 Vic. cap. 65, s. 4, to apply to the new companies.

Incorporation of new company.

2. The provisions of section four of said Act, passed in the thirty first year of the reign of Her present Majesty, and chaptered sixty-five, shall extend and apply to the companies, or proposed companies in the preceding section of this Act, firstly and secondly mentioned, and the same may be incorporated under and by virtue thereof, and of this Act, and when so incorporated may become the purchasers of the said Navigation Works and premises, or any part thereof, as by said preceding section it is provided, from the said corporation of the Town of Brantford, upon such terms as may be agreed upon.

Corporation of Brantford and new company may make arrangements for keeping up the works, etc.

3. It shall be lawful for the said corporation of the Town of Brantford, and the company, municipality, person or persons to which or whom the said works and premises, or part thereof, shall be conveyed as between themselves, to make such arrangements and agreements in writing (the same to be duly executed by the parties thereto under seal) respecting the keeping up or in repair the said works for navigation or other purposes, and for the working thereof and generally respecting the same, as may be mutually agreed upon between the said corporation and such purchaser or purchasers : Provided nevertheless that the liability or responsibility of the said corporation of the Town of Brantford, in respect of or relating to said works and premises, shall not be increased, enlarged or added to by this Act or any thing herein contained, or by any agreement or agreements which may be made under or by virtue of this Act.

Proviso.

Where the sale by the corporation is of part of the works.

4. In the event of the sale or conveyance by the said corporation of the Town of Brantford, of so much of the said Navigation Works and premises as are situate below the locks at or near the easterly end of the canal at the head of said works to either of the companies aforesaid or to any muni-

cipality, person or persons, the said corporation of the Town of
 Brantford may thereafter give, grant, sell or convey, the said
 locks and the said Navigation Works and premises lying to the
 east thereof, to any company, with a capital stock of not less
 5 than five thousand dollars, desiring to purchase the same; and
 any sufficient number of persons desirous of forming a com-
 pany to purchase the same, may become an incorporated
 company for that purpose, with a capital stock of not less than
 five thousand dollars, and section two of this Act shall extend
 10 and apply to any such persons and proposed company.

5. This Act shall not, nor shall any conveyance or transfer ^{Arrears of}
 of the said Navigation Works or premises, by the said corpo- ^{rent.}
 ration of the Town of Brantford, or of any part thereof, under
 and by virtue of this Act, prevent the said last named corpo-
 15 ration from collecting the rent or money which may be due or
 become due to such corporation as rent, or for the use and
 occupation of their said premises or any part thereof up to the
 time of the execution of any such conveyance or conveyances,
 in the same manner and to the same extent as the same might
 20 have been collected but for the passing of this Act, or the
 execution of such conveyance or conveyances; nor shall this
 Act or such conveyance or conveyances be pleaded in bar to
 any action at law or suit in equity which may be brought for
 the recovery of the said rent or monies.

4th Session, 1st Parliament, 34 Victoria, 1871.

*Reprinted as amended by Private Bill
Committee.*

BILL.

An Act to enlarge the Powers of the Town
of Brantford respecting the Grand River
Navigation Company.

(PRIVATE BILL)

First Reading 6th January, 1871.

Hon. Mr. Wood,

TORONTO :

An Act to Legalize certain By-laws passed by the Corporation of the Town of Brantford, and certain Agreements made between the said Corporation and the Great Western Railway Company of Canada and the Grand Trunk Railway Company of Canada respectively.

- WHEREAS the Corporation of the Town of Brantford, on Preamble.
the nineteenth day of September, one thousand eight hundred and seventy, passed a by-law—having first submitted the same to the electors of said municipality for their sanction—
5 numbered 219, entitled “A By-law to authorize the granting of a Bonus of \$75,000 in aid of the construction of a Branch Railway from Harrisburg to Brantford, and to authorize the granting of a Bonus of \$32,500 to the Grand Trunk Railway in aid of the construction of workshops at Brantford,” granting to
10 the Great Western Railway Company of Canada a Bonus of seventy-five thousand dollars to aid in the construction of a branch railway from Harrisburg, on their main line, to the said town of Brantford, and have entered into an agreement with the said railway company, with a view to the securing the construction of such branch, the same bearing date the eighteenth
15 day of November, one thousand eight hundred and seventy; And whereas a sum of thirty-two thousand five hundred dollars is by said by-law granted to the Grand Trunk Railway Company as a bonus to aid in the construction of certain workshops
20 of the said last-named Railway company within the said town of Brantford, and an agreement between the said municipality and the said Grand Trunk Railway Company has been entered into respecting the same, bearing date the day of
, one thousand eight hundred and seventy; And
25 whereas the said municipality has also passed a by-law, numbered 224, entitled “A By-law to sanction the construction of a branch railway through the town of Brantford into and along Water Street therein,” sanctioning the passing of the said branch railway over and along certain streets and highways
30 within the said town and otherwise, as by said by-law is provided; And the said corporation have petitioned to have the said by-laws and agreements legalized and confirmed; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—
35
- By-law number 219 of the corporation of the town of By-Law 219 of Town of Brantford legalized.
Brantford, passed on the nineteenth day of September, one thousand eight hundred and seventy, entitled “A By-law to
40 authorize the granting of a bonus of \$75,000 in aid of the construction of a branch railway from Harrisburg to Brantford, and to authorize the granting of a bonus of \$32,500 to the

By-Law 224
of Town of
Brantford
legalized.

Agreement be-
tween Town
of Brantford
and G. W.
Rail. Co.
legalized.

Agreement be-
tween Town
of Brantford
and Grand
Trunk Rail.
Co. legalized.

Grand Trunk Railway in aid of the construction of workshops at Brantford," which said by-law is set out in Schedule "A" to this Act, and by-law number 224 of said corporation of the town of Brantford, passed on the twelfth day of December, one thousand eight hundred and seventy, entitled "A By-law to 5
sanction the construction of a branch railway through the town of Brantford into and along Water Street therein," and which said last mentioned by-law is set out in Schedule "B" to this Act; and an agreement made between the said corporation of the town of Brantford of the one part and the Great Western 10
Railway Company of Canada of the other part, bearing date the eighteenth day of November, one thousand eight hundred and seventy, and which said agreement is set out in Schedule "C" to this Act; and an agreement made between the said 15
corporation of the town of Brantford of the first part, and the Grand Trunk Railway Company of Canada of the other part, bearing date the day of , one thousand 20
eight hundred and seventy, and which last-mentioned agreement is set out in Schedule "D" to this Act are, and each of them is, and all acts done in pursuance thereof, or of any of them, are 25
hereby legalized and confirmed and declared valid; and all the powers, provisions, stipulations, covenants, promises, agreements, and all and singular other the matters in said by-laws and agreements contained shall be valid and binding, as fully and as effectually, and shall, in all respects, have the same force 25
and effect as though the same were, and every of them was, expressly embodied in this Act.

SCHEDULE A.

BY-LAW, No. 219.

To authorize the granting of a bonus of \$75,000 in aid of the construction of a Branch Railway from Harrisburg to Brantford, and to authorize the granting of a bonus of \$32,500 to the Grand Trunk Railway in aid of the construction of Workshops at Brantford.

WHEREAS the corporation of the town of Brantford have on hand a large sum of money, and it is deemed expedient, and to the interests of said town to grant the sums hereinafter specified a part thereof as free grants or bonuses in aid of the construction of works of public utility;

And whereas it is the desire of the said corporation to grant the sum of seventy-five thousand dollars out of the aforesaid moneys as a bonus or free grant towards, and in aid of the construction of a branch railway to be built by the Great Western Railway Company, from their main line at the village of Harrisburg, in the township of south Dumfries, in the County of Brant, to some point in the town of Brantford, and to grant to the Grand Trunk Railway Company of Canada, out of said moneys a further sum of thirty-two thousand five hundred dollars as a free grant or bonus to aid in the erection of workshops at or near the station in the said town, to be used as shops for the construction and repair of cars and other rolling stock;

And whereas the said Railway Companies propose entering into agreements respectively with the said town guaranteeing

the construction of the said branch railway and the said workshops respectively ;

Be it therefore enacted by the corporation of the town of Brantford, by and with the consent of the ratepayers, as hereinafter provided that it shall be lawful for the Mayor and Treasurer of the said town of Brantford, and they are hereby required to pay over into the Bank of British North America at Brantford, to the joint credit of themselves, and the Treasurer of the Great Western Railway Company the sum of seventy-five thousand dollars of lawful money of Canada, out of the moneys on hand to the credit of the said town with their Bankers or elsewhere as a free grant or bonus to aid in the construction of a branch railway from the main line of said Railway Company at Harrisburg to Brantford, to be paid as the work on said branch progresses in accordance with the terms of the agreement to be made between the said municipal corporation and the Great Western Railway Company.

And be it further enacted that it shall be lawful for the Mayor and Treasurer of the said town of Brantford, and they are hereby required to pay over into the Bank of British North America at Brantford, to the joint credit of themselves and the Treasurer of the Grand Trunk Railway Company of Canada the sum of thirty-two thousand five hundred dollars of lawful money of Canada, out of moneys on hand, or to the credit of the said town with their Bankers or elsewhere, as a free grant, or bonus to aid in the construction of workshops at the said town of Brantford, by said company, for the construction and repairs of cars, carriages, and other rolling stock for the said company, the same to be thereafter paid over to said Grand Trunk Railway Company in sums and proportions as the work of construction progresses: Provided always, and it is hereby declared, and this by-law is passed subject to the following stipulations and conditions:—That is to say, the Great Western Railway Company shall, at or before the payment of the said bonus to the aforesaid joint credit sign, seal and lawfully execute a good and sufficient agreement to, with and in favour of the said town providing amongst other things:—

1. That the said Great Western Railway Company shall and will at their own cost and expense construct said branch railway from the main line at Harrisburg to the town of Brantford, and upon power being obtained so to do at their own expense will extend it on to the western end of Water Street, in said town.

2. For the equipment by the said company of the said branch, the supply of same with rolling stock, and the running and working of the same so as to secure to the town of Brantford sufficient travelling and shipping facilities at proper prices, and providing otherwise and for such other purposes as may be agreed upon between the said Railway Company and the said municipal corporation by such agreement to be drawn up and executed as aforesaid.

And that the said Grand Trunk Railway Company shall, at or before the payment of the bonus to the aforesaid joint credit, sign, seal, and lawfully execute a good and sufficient agreement with and in favour of the said town providing amongst other things:—

1. That the Grand Trunk Railway Company shall and will construct workshops for the construction and repairs of cars, carriages, and rolling stock for the western division of the railway at and in the said town of Brantford the cost of such build-

ings and expenditure in and about erecting them to be not less than \$60,000.

2. For the reconstruction of the said workshops, in case of destruction by fire or explosion, and for the repayment of said bonus in case the same be removed from Brantford or be not rebuilt in the event of their destruction in whole or in part by fire or explosion, and making such other agreements and provisions modifying or adding to the foregoing stipulations in favour of the said town, as shall be agreed upon between the said Grand Trunk Railway Company, and the said municipal corporation.

And it is further enacted that this By-law shall be deemed provisional only until sanctioned and legalized by the Legislature.

And it is further enacted that the votes of the electors of this municipality shall be taken upon the By-law as follows, namely:

At Mrs. Hawkins' shop Pearl Street, in the North Ward.

At the Engine House, in the Queen's Ward.

At the Town Hall, in the Brant Ward.

At Robert Copeland's, Coleborne Street, in the East Ward.

At George Fletcher's shop, Oxford Street, in the King's Ward, being the places at which the elections of members of council are held on the twelfth day of September next, commencing at the hour of nine o'clock in the forenoon, and closing at the hour of five o'clock in the afternoon of the same day, and that the following persons shall be the returning officers to take the votes to such places, namely:—

At the North Ward, Thomas McKenzie.

At the Queen's Ward, John Noble.

At the Brant Ward, Thomas James.

At the East Ward, Frederick Popplewell.

At the King's Ward, Joseph Bowes.

Passed on the nineteenth day of September, one thousand eight hundred and seventy.

(Signed)

W. MATHEWS. [L.S.]

Mayor.

(Signed)

JAMES WOODYATT,
Town Clerk.

SCHEDULE B.

BY-LAW No. 224.

To sanction the construction of a branch railway through the Town of Brantford into and along Water Street therein.

WHEREAS by chapter 66, section 128 of the Consolidated Statutes of Canada, entitled An Act respecting Railways, power is given to any incorporated railway company to construct a branch or branches, not exceeding six miles in length from any terminus or section of the railway of such company, whenever a by-law sanctioning the same shall have been passed by the municipal council of the municipality within the limits of which such proposed branch shall be situate;

And whereas the Great Western Railway Company of

Canada have agreed with the Corporation of the Town of Brantford, amongst other things, to construct a branch railway from the terminus of the Brantford and Harrisburg branch of such railway company in the town of Brantford through the said town of Brantford, and along and to the westerly end of Water Street in the said town of Brantford, after a by-law granting them authority so to do shall have been passed by this corporation;

And whereas the bonus of seventy-five thousand dollars heretofore granted by the town of Brantford to said Great Western Railway Company was in aid of the construction of such branch to Water Street, the distance from the said terminus to the westerly end of Water Street being less than six miles;

Therefore it is enacted by the corporation of the town of Brantford:

That the said corporation of the town of Brantford hereby sanction the construction by the said The Great Western Railway Company of Canada, their successors and assigns and their servants and agents, of a branch railway from the southern terminus of their railway leading from their main line at Harrisburg, in said county of Brant, in and to the said town of Brantford, to the westerly end of Water Street in said town.

And the said corporation further sanction the passage by the said railway company in the construction of such branch over, along and upon, and the construction of the same upon, Clarence Street, or such part thereof as said company may determine upon, across Colborne Street at or near the southerly end of Clarence Street, and along and upon Water Street or such part thereof as may be determined upon, and across such other street and streets within the said corporation as it may be necessary to cross in the completion of such undertaking.

And the said corporation further sanction the laying of a side track along the edge of the Canal Basin, on the south side of the storehouses situated on Water Street in said town.

And it shall be lawful for the Mayor, and he is hereby empowered to execute to said Great Western Railway Company of Canada, their successors and assigns, for the purposes of such branch, a good and sufficient deed and conveyance of that certain portion of the lands and premises obtained by this corporation from the Grand River Navigation Company, situate, lying and being in the town of Brantford, and may be described as follows, that is to say: Commencing at a point where the easterly limit of Oneida Street intersects the north side of the navigable channel of the Canal Basin, thence northerly along said easterly limit of Oneida Street to the southerly limit of Water Street, thence easterly along said southerly limit of Water Street to the easterly limit of Echo Street, thence southerly along such easterly limit of Echo Street to the southerly limit of lot thirty-seven south of Colborne Street, thence easterly along southerly limits of lots thirty-seven, thirty-eight and thirty-nine south of Colborne Street and lot number one south of Northumberland Street to the limit between lots numbers one and two south of Northumberland Street aforesaid, thence southerly in a line with the limit between lots one and two aforesaid to the north side of the navigable river channel of the Canal Basin, thence westerly along said north side of Canal Basin to the place of beginning.

Passed on the twelfth day of December, one thousand eight hundred and seventy.

(Signed)

W. MATHEWS,
Mayor.

(Signed)

JAMES WOODYATT,
Town Clerk.

SCHEDULE C.

This Agreement, made this eighteenth day of November in the year of our Lord one thousand eight hundred and seventy,

Between the corporation of the Town of Brantford, of the one part, and the Great Western Railway Company of Canada, of the other part.

Whereas the said corporation are desirous of granting a bonus of seventy-five thousand dollars of lawful money of Canada, to aid in the construction of a branch railway from some point in the settlement or village of Harrisburg, in the township of South Dumfries, in the said county of Brant, to or near the western end of and along Water street, in the said town of Brantford, and the said municipal corporation have passed a by-law to that effect.

Now therefore, the said municipal corporation and the said railway company for themselves respectively, and their respective successors covenant and agree each with the other of them and its successors in manner following, that is to say :

1st. That the said Municipal Corporation will forthwith place to the joint credit of William Mathews, Esquire, Mayor of the Town of Brantford, and Joseph Price, Esquire, Treasurer of the Great Western Railway Company, and Duncan McKay, Esquire, Treasurer of the said Town of Brantford, or to the credit of the Mayor and Treasurer of the said Town, and the Treasurer of the said Railway Company for the time being, in the Bank of British North America, at Brantford, the sum of seventy-five thousand dollars to be expended in the construction of said branch railway, and for no other purpose in manner hereinafter provided, and to be drawn out of the said Bank upon cheques of said William Mathews, Joseph Price and Duncan McKay, or of the Mayor and Treasurer of said Town, and the Treasurer of said Railway Company for the time being.

Upon the deposit of the said seventy-five thousand dollars, the Great Western Railway Company shall be entitled to receive the sum of fifteen thousand dollars towards making necessary surveys, plans, and buying lands for right of way, and the balance of sixty thousand dollars shall be applied as the first payments on any contract or contracts for works of construction of the said branch which shall have been given by the Great Western Railway Company to be drawn from the said Bank by the joint cheques of the aforesaid William Mathews, Joseph Price, and Duncan McKay, or of the Mayor and Treasurer of the said Town, and of the Treasurer of said Railway Company for time being; provided that no such payment shall be made, or such joint cheques given except on the written certificate of the chief engineer of the Great Western Railway Company that such money is justly due on the contracts for work actually done or materials purchased, or for lands which shall require to be pur-

chased, and which shall not have been already paid over by the said appropriation of fifteen thousand dollars aforesaid.

2nd. That immediately after the full payment and application of the said sum of seventy-five thousand dollars as aforesaid, the said Railway Company shall proceed to complete the construction of such branch railway from Harrisburg aforesaid to the said Town, and into and along Water street aforesaid, to or near the western end of said street, and shall complete and duly equip the same with all reasonable dispatch, the intent being that the said Railway Company shall pay the entire cost of the said branch over and above the said sum of seventy-five thousand dollars. The said Railway shall be built and kept in such condition as will favourably compare with the general nature of the said railway company's other tracks, and shall be run by the said railway company by at least two first class passenger trains each way per day between Brantford and Harrisburg stations, leaving and returning at reasonably convenient times with sufficient freight cars or trains to accommodate the business requirements of the town at all times.

3rd. But inasmuch as it may be doubtful if the powers of the Great Western Railway Company as at present existing, will enable it to extend the said branch railway beyond the line of the Buffalo and Lake Huron Railway, without the consent of that company or the consent of the present owners of that railway, it is no part of this agreement that the liability of the Great Western Railway Company to build the said branch shall extend beyond the said Buffalo and Lake Huron Railway until the corporation of the Town of Brantford shall have conferred upon or obtained for the Great Western Railway Company proper legal authority to pass under the Buffalo and Lake Huron Railway at Maitland or Rawdon streets, or over or under the said Buffalo and Lake Huron Railway at some point west of said Rawdon street, and to pass with the said branch railway along Maitland street or Rawdon street, and the street forming the Eastern boundary of the corporation and along Northumberland street and Water street, or along Clarence street and such other of the aforesaid streets as shall be deemed advisable, the said railway company hereby undertaking to assist the said corporation in every way practicable upon their part to obtain such legal authority.

4th. That the charges for passengers and freight to or from Brantford to any other portion of the line shall not exceed the charges for a similar distance on the main line, and shall be as low and favorable for those doing business with the branch or branch and main line as for those doing business with the main line alone over the same distances.

5th. That the said company shall build and keep sufficiently good and reasonable station buildings in some convenient part of the said Town of Brantford.

And it is further especially agreed by the railway company that the said branch railway shall be built and completed between Harrisburg and the Buffalo and Lake Huron Railway within one year from the day of the date hereof, and the further distance from the Buffalo and Lake Huron Railway to and along Water street within one year from the period the Railway Company shall have had power conferred upon them to extend the same from the Buffalo and Lake Huron Railway to Water street aforesaid.

In witness whereof the parties hereto have caused their corporate seals to be hereto affixed, and these presents to be

signed by the Mayor and Mr. William McMaster respectively the day and year first aforesaid,

Signed, sealed, and delivered delivered in presence of C. P. McGivern, witness to execution by W. Mathews, Mayor of Brantford.	} (Signed) W. MATHEWS, [L.S.] Mayor.
Witness to execution by G. W. R., Joseph Price, Treasurer, &c.	
	(Signed) WM. McMMASTER, [L.S.] Director Great Western Railway Company.

SCHEDULE D.

This agreement made the day of in
the year of Lord one thousand eight hundred and seventy

Between the corporation of the town of Brantford, of the
first part, and the Grand Trunk Railway Company of Canada,
of the other part.

Whereas the said Municipal Corporation are desirous of
granting to the said Railway Company, a bonus of Thirty-two
Thousand Five Hundred Dollars to aid in the erection of Work-
shops at, or near their station, in the said town of Brantford, to
be used for the construction and repair of cars, etc., and they
passed a By-law to enable them to do so : And whereas the said
Railway Company are desirous of erecting such shops at the
place aforesaid, and of accepting said bonus, and of applying
the same towards such erection.

Now, therefore, the said Municipal Corporation and the said
Railway Company for themselves respectively, and their respec-
tive successors, covenant and agree, each with the other of them,
and their successors, in manner following, that is to say :

1st. That the said Municipal Corporation shall and will forth-
with, place to the joint credit of the Mayor and Treasurer of the
town of Brantford and the Treasurer of the said Railway Com-
pany, for the time being in the Bank of British North America,
at Brantford, the sum of Thirty-two Thousand Five Hundred
Dollars of lawful money of Canada, the same to be expended by
the said Railway Company, in and towards the erection by the
said company at, or near their station, at Brantford, of
workshops to be used by the said Company for the purpose of
constructing and repairing cars to be used upon the said line of
Railway, and to be drawn from said Bank upon the joint cheques of
said Mayor and Treasurer, for the time being, as the work pro-
gresses, upon the certificate of the engineer of the said Railway
Company, for the time being, that the sum for which a cheque is
to be signed, has been actually expended in the erection of said
shops over and above what may have theretofore been drawn
out of said Bank on account of said bonus.

2nd. It is further agreed between the said parties that the
said Municipal Corporation shall, and will forthwith, pass a By-
law, exempting the aforesaid workshops and the manufactures
to be carried on therein, from municipal taxation, for five years
from the completion thereof.

3rd. The said Railway Company on their part, and in consid-
eration of the premises, covenant and agree, that they shall and
will erect and keep erected, at or near their station, at the town
of Brantford, good and sufficient workshops to be used by them

in the maintenance, construction, and repair of cars, etc., to be used upon their line of Railway.

4th. The said Railway Company firstly covenant and agree, that they will make the said shops at the said town of Brantford, the place for the maintenance, construction, and repair of the bulk of the cars required by the said Company, west of Kingston, to maintain and keep up their stock of cars, and that they will repair at the aforesaid shops, the bulk of the cars requiring repairs, west of Kingston, the object and intent of the said Company being in good faith to make and constitute the said town of Brantford the point west of Kingston for the manufacture and repair of the bulk of the cars so required west of Kingston, as aforesaid; and the object of the town being to secure the advantages arising from the location of said works within their municipality.

5th. The said Railway Company further covenant and agree, that they will keep the said buildings insured at their own cost, against loss by fire, or explosion, in some good insurance company, in reasonably large and sufficient sums, and that in case of the destruction of such buildings in whole, or in part, that they will rebuild same.

6th. The said Railway Company further covenant and agree, that if at any future time they shall do, or cause to be done, the work mentioned, that is to say, if they construct and repair the bulk of the cars in the fourth paragraph of this agreement mentioned at any point other than at the said town of Brantford, or if they shall cease to do and perform such work at the said town of Brantford, then the said Company shall and will repay to the said town the said sum of Thirty-two Thousand Five Hundred Dollars, and the said town shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered, as for money had and received by the said Company for the use of the said town, money loaned or otherwise.

7th. That the said Railway Company will forthwith proceed to the erection of the aforesaid shops, and that they will complete them within one year from the date hereof.

8th. This agreement and the covenants herein contained, shall extend to, and bind the successors and assigns, of both parties hereto.

In witness whereof, the said parties hereto, have caused these presents to be signed and their respective corporate seals to be hereto attached, the day and year first aforesaid.

Signed, Sealed, and delivered {
In presence of }

BILL.

An Act to Legalize certain By-laws, passed by the Corporation of the Town of Brantford, and certain Agreements made between the said Corporation and the Great Western Railway Company of Canada and the Grand Trunk Railway Company of Canada respectively.

(PRIVATE BILL.)

First Reading, 6th Jan., 1871.

Hon. Mr. WOOD.

An Act to enable the Church Society of the Diocese of Huron to Sell or Exchange certain Church Land in the Township of Brantford, in the County of Brant.

- WHEREAS about nine acres of land, in the township of Preamble.
Brantford, in the county of Brant, being parts of the west or front halves of lots numbers six and seven, on the east side of Mount Pleasant Road, were in consideration of the sum of
5 seven hundred dollars, then paid for the same by deed dated the sixth day of December, one thousand eight hundred and sixty-four, and registered on the seventh day of January following, in the registry office for the said county in liber E for the said township of Brantford as number three thousand and
10 forty-one, conveyed to the Right Reverend Benjamin Cronyn Bishop of Huron, in trust, as a site for a parsonage for the use of the incumbent of the church at Mount Pleasant, in connection with the United Church of England and Ireland in Canada, without any power in such deed to said Bishop to sell
15 or convey away said land, and such parsonage site has been found unsuitable for the purpose for which it was purchased, and it is deemed expedient, either by sale or exchange of the same, to procure a more suitable site in its stead; and the said Bishop of Huron and the Church Society of the Diocese of
20 Huron have, by their petition, prayed for an Act to enable the said society to convey away the said land; And whereas it is desirable to grant the prayer of such petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—
- 25 1. The Church Society of the Diocese of Huron shall have full power and authority to sell and absolutely dispose of the said land, or to exchange the same for other land, and any deed executed by the said society purporting to be an absolute conveyance of the said land shall vest the same in the grantee
30 or grantees in such conveyance named. Power to Church Society to sell certain lands.
2. In case the said society sell the said land, the proceeds of such sale shall be held by the society in trust towards procuring a parsonage site and house for the use of the Incumbent for the time being of said church at Mount Pleasant; and no
35 purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act; and, in case the society exchange the said land for other land, the society shall hold the land thus taken by them in exchange in trust for the use of the Incumbent for the time being of the said
40 church at Mount Pleasant. Application of the proceeds of the sale.

* 4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to enable the Church Society of the
Diocese of Huron to Sell or Exchange
certain Church Land in the Township of
Brantford, in the County of Brant.

(*PRIVATE BILL.*)

First Reading, 6th January, 1871.

Hon. Mr. Wood.

No. 47.]

BILL.

[1871.]

An Act to amend Chapter seventy-one of the Consolidated Statutes of Canada, entitled, "An Act respecting Charitable, Philanthropic and Provident Associations."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any number of persons not less than five may unite themselves into a society for making provision, by means of contributions, subscriptions, donations or otherwise, against sickness, unavoidable misfortune or death, and for relieving the widows and orphan children of members deceased, and may become incorporated by making and signing a declaration in duplicate, or in as many parts as shall be required, of their having united themselves together for the purposes aforesaid, which declaration shall set forth,—

Power to form societies to provide in cases of sickness, etc.

(1.) The corporate name of the society ;

Contents of declaration.

(2.) Its purpose ;

15 (3.) The names of those who are to be its first trustees or managing officers ;

(4.) The mode in which their successors are to be appointed ;
and

(5.) Generally such other particulars and provisions as the
20 society may think necessary, not being contrary to law.

2. One of such original parts of the said declaration shall be filed in the office of the Registrar of Deeds for the county or registration division in which such society is located or established by one of the subscribing parties thereto, who shall
25 before such Registrar acknowledge the execution thereof by himself and declare the same to have been executed by the other parties thereto, either in person or by their attorneys ; Provided always that should the said society or any of its branches at any time desire to hold its general or special
30 meetings for the transaction of business in more than one county or registration division, then one of such original parts so acknowledged and declared to have been executed as aforesaid, shall be filed in the office of the Registrar of Deeds for the county or registration division in which such meetings are
35 intended to be and shall take place.

Duplicate of declaration to be registered.

3. The Registrar shall keep the duplicate or original part so Registrar to

give certificate
of filing and
of proof of
execution.

Certified in-
struments to
be evidence.

filed and deliver the other to the person who filed it, with a certificate of the same having been so filed and of the execution having been attested before him, and such duplicate or any copy thereof certified by such registrar shall be *prima facie* evidence of the facts alleged in such declaration and certificate. 5

When the
signers become
incorporated.

4. When the formalities aforesaid have been complied with, the persons who signed such declaration and their associates and successors, members of such society, shall be and become a body corporate and politic, and shall have the powers, rights and immunities vested in such bodies by law. 10

How existing
societies may
become in-
corporated.

5. In case of a society or branch thereof established or in existence before the passing of this Act, the trustees or office bearers for the time being may make and sign a declaration of their wish or determination to become incorporated according to the provisions of this Act, stating in such declaration the corporate name to be assumed by such society, and also with such declaration file in the manner hereinbefore provided a copy of the constitution and by-laws of such society, together with a general statement of the nature and amount of all the property real or personal held by or in trust for such society. 15 20

All of Con.
Stat. Ca. c. 71
inconsistent
herewith
repealed.

6. Any parts of the said Act chaptered seventy-one of the Consolidated Statutes of Canada inconsistent with the foregoing provisions are hereby repealed in so far as this Province is concerned.

BILL.

An Act to amend Chapter seventy-one of the Consolidated Statutes of Canada entitled, "An Act respecting Charitable, Philanthropic and Provident Associations."

First reading 6th January, 1871.

Hon. Mr. WOOD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act to Provide for the Succession of Trustees of the Church and Glebe Property of St. Andrew's Church, Peterborough, and to authorize the Trustees of the said Property to Mortgage the said Property or part thereof.

WHEREAS a certain Act was passed by the Legislature of the Province of Ontario, in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered seventy-two, to provide for the succession of Trustees of the Church and Glebe property of St. Andrew's Church, Peterborough, and to authorize the said Trustees or a majority of them to borrow a sum of money, not exceeding the sum of one thousand two hundred dollars, to finish and complete a manse then being erected on a part of the said premises, and to secure the same and interest thereon by a mortgage thereon or a part thereof; And whereas it hath been made to appear by the petition of the managers of the temporal affairs of the said Congregation (being also the Trustees under the said Act) to be desirable that they should have the right to borrow upon the security of the said property a further sum of eight hundred dollars, in addition to the said sum of one thousand two hundred dollars already borrowed under the said Act, for the purpose of enabling them to pay off and discharge a balance of debts due by them, as such contracted in and about the repairing and renovating of the said Church, and completing and finishing the said manse; And further, that it is expedient to provide for the election or appointment of trustees to fill such vacancies as may occur from time to time, and to declare that failing from any cause election annually of trustees by said congregation, as by said Act provided, the retiring trustee or trustees should hold their office and exercise all the powers of such trustees until their successors shall have been regularly elected: Therefore Her Majesty, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the said trustees or the trustees for the time being, or a majority of them, to borrow a further sum of money over and above the said sum of one thousand two hundred dollars already borrowed as aforesaid, that is to say, the further sum of eight hundred dollars, for the purposes aforesaid, and to secure the repayment of the said sum of eight hundred dollars, together with interest thereon, at such rate as may be agreed upon, by mortgage of said property or a part thereof to the lender or lenders thereof.

Power to trustees to borrow \$800.

2. That it shall be lawful for the trustees for the time being, or a majority of them, should occasion require, from time to time to make new and further mortgages for the purpose only,

Trustees may make mortgages to pay off former mortgages.

however, of paying off and discharging any mortgage or mortgages then in existence upon the said property or any part thereof.

Vacancies in office of trustee provided for.

Proviso.

Provision in case no meeting is held for choosing trustees.

3. That should, from death, removal, resignation or otherwise, a vacancy or vacancies occur among the said trustees, the surviving or remaining trustee or trustees for the time being, or a majority of them, may fill up such vacancy or vacancies by naming or appointing any person or persons to fill such vacancy or vacancies, by any writing under his or their hand or hands; Provided always that all trustees so appointed shall only hold such office until the next annual meeting of the said congregation, when trustees shall be chosen by the said meeting, or at some other subsequent meeting called for that purpose, and the trustee or trustees so chosen shall hold office for the unexpired portion of the term or terms of the trustee or trustees unexpired in whose stead they shall be chosen. 5 10 15

4. That should from any cause no annual or special meeting of the congregation, for the purpose of choosing trustees, be held, the trustees for the time being shall continue to hold office as trustees until their successors shall have been regularly chosen or elected. 20

BILL.

An Act to amend the Act to provide for the Succession of Trustees of the Church and Glebe Property of St. Andrew's Church, Peterborough, and to authorize the Trustees of the said Property to Mortgage the said Property or part thereof.

(PRIVATE BILL.)

First reading 6th January, 1871.

MR. CARNEGIE.

An Act to Incorporate the St. George's Society of London.

- WHEREAS** the persons hereinafter named have by petition Preamble.
 represented that for many years past they and others
 of English and Welsh birth or extraction, residents of London,
 have maintained by voluntary contributions, a certain Charit-
 5 able Association, whereof they are members, for the relief of
 distressed immigrants and others from England or Wales, or
 of English or Welsh descent, under the name of "The St.
 George's Society of the County of Middlesex," and have prayed
 10 that for the better attainment of the objects of the said Associ-
 ation, the same may be invested with corporate powers under
 the name of "The St. George's Society of London," and it is
 expedient to grant the prayer of the said petition; Therefore
 Her Majesty, by and with the advice and consent of the Legis-
 lative Assembly of the Province of Ontario enacts as follows:
- 15 **1.** Henry Taylor, William H. Essery, George Phillips, George Society incor-
 Pritchard, Edmund Baynes Reed, Francis W. Thomas, the porated.
 Honorable John Carling, Francis Westlake, Thomas Carling,
 John Pannel, William Dyson, and Edward Coleman, Esquires,
 and such other persons as are now members of the said Associ-
 20 ation, or shall hereafter unite with them under the provisions of
 this Act and the by-laws made under authority thereof, and
 their successors shall be and they are hereby constituted, a body
 politic and corporate by the name of "The St. George's Society
 of London," and may, by any legal title, acquire, hold and
 25 enjoy any Estate whatever, real or personal; and may alienate, Corporate
 lease, or otherwise dispose of the same or any part thereof, from name and pro-
 time to time, and as occasion may require, and other estate, real perty.
 or personal, may acquire instead thereof; Provided always, that
 the clear annual value of the real Estate, held by the corpora- Proviso—
 30 tion at any one time shall not exceed five thousand dollars. value limited.
- 2.** Provided always, that the Corporation shall not hold any What proper-
 property except such as shall be derived from the following ty the Corpor-
 sources, or purchased with funds derived from the following ation may hold.
 sources, that is to say, the property of the Association hereby
 35 constituted as the said Corporation, the life, annual, and other
 subscriptions of members, donations, bequests, or legacies made
 to the Corporation, and the moneys arising from fines and
 forfeitures lawfully imposed by their by-laws;—And provided
 also that all property and funds presently invested of the said
 40 existing Association, and all sums which may hereafter be
 received by the Corporation for life subscriptions of members,
 or from legacies, bequests, or donations, amounting to ten dollars
 or upwards, not specially made for other purposes, shall con-
 stitute the permanent fund of the Corporation, no part of the
 45 capital amount of which shall be expended or paid away, but
 the whole shall from time to time be invested in real or im-

Application of funds restricted to certain purposes.

moveable property (not exceeding the value aforesaid,) in bank stock, or provincial, or other securities, and the rents, interest, or other income arising from such investments, together with all moneys derived from other sources shall be applied to the defraying of the current expenses of the corporation, and the relief of persons whom the corporation may deem proper objects of such relief; according to their by-laws then in force and to the provisions of this Act. 5

Management of the business of the Society.

3. The affairs and business of the Corporation shall be managed by such officers and committees, and under such restrictions as touching the powers and duties of such officers and committees, as by by-law in that behalf the Corporation may from time to time ordain; and the Corporation may assign to any of such officers such remuneration as they may deem requisite. 10 15

Corporation may make by-laws.

4. The Corporation may make such by-laws not contrary to law, as they shall deem expedient for the administration and government of the Corporation, and of such Asylum or other charitable Institutions as they shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end; and generally shall have all the corporate powers necessary to the ends of this Act. 20

How only they may be altered.

Present by-laws continue until altered.

5. The by-laws of the said Association not being contrary to law, shall be the by-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid. 25

First officers of the Corporation.

6. Until others shall be elected according to the by-laws of the Corporation, the present officers of the Association shall be those of the Corporation.

Recovery of money due to the Corporation.

7. All subscriptions and all penalties due to the Corporation under any by-law may be recovered by suit in the name of the Corporation; but any member may withdraw therefrom, at any time, upon payment of all amounts due by him to the Corporation inclusive of his subscription for the year then current. 30

Competency of witnesses where the Corporation is concerned.

8. No person otherwise competent to be a witness in any suit or prosecution in which the Corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the Corporation. 35

Returns of property to be made when required.

9. The Corporation shall at all times when required so to do by the Lieutenant-Governor or the Legislature, make a full return of all their property, real, and personal, and of their receipts and expenditure for such period, and with such details and other information as the Lieutenant-Governor or the Legislature may require. 40

An Act to Incorporate "The St. George Society of London."

BILL.

(PRIVATE BILL.)

First Reading 6th January, 1871.

Hon. Mr. JOHN CARLIN

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

4th Session, 1st Parliament, 34 Victoria, 18

An Act to incorporate the Sisters of St. Joseph of
the Diocese of London, in Ontario.

- W**HEREAS an Association of Religious Ladies hath existed Preamble.
for some time in the Diocese of London, in the Province
of Ontario, under the name of the "Sisters of St. Joseph," who
have formed an institution for the reception and instruction of
5 Orphans, and the relief of the poor, the sick and other necessi-
tous; And whereas the said Ladies have by their petition
prayed, that the said Association may be incorporated and in
consideration of the great benefits which must arise from the
said Association, it is expedient to grant their prayer; There-
10 fore Her Majesty by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:—
1. The Sisters Ignatius and Sister Bonaventure and Sister Certain per-
sons incor-
porated.
Vincent and such other persons, as shall under the provisions
15 of this Act, become members of the said Association shall be
and are hereby declared to be a Body Politic and Corporate by
the name of "The Sisters of St. Joseph of the Diocese of London,
in Ontario," and by that name shall have perpetual succession,
and a common seal, and shall have power from time to time to
20 alter, renew or change such common seal at their pleasure and
shall by the same name from time to time and at all times, here-
after be able and capable to purchase acquire hold possess and Power to ac-
quire real pro-
perty.
enjoy, and to have take and receive to them and their suc-
cessors and to and for the uses and purposes of the said cor-
25 poration any lands tenements and hereditaments and real and
immoveable property and estate, not exceeding in annual value
at any one time five thousand dollars, situate lying and being
within the said Diocese of London, occupied or hereafter to be oc-
cupied by the said corporation or any of its branches for the
30 purposes thereof, and the same to sell alienate and dispose of And sell.
and to purchase others in their stead for the same purpose;
And by the same name shall and may be able and capable in
law to sue and be sued implead and be impleaded, answer and be
answered unto in all Courts of Law and Equity and places
35 whatsoever in as large ample and beneficial, a manner as any
other Body Politic or Corporate or as any persons able or cap-
able in law may or can sue and be sued implead and be implead-
ed answer and be answered unto in any manner whatsoever; And
the Mother Superior and her Council for the time being
45 shall have power and authority to make and establish such Power to
make rules,
etc.
Rules, Orders, and regulations not contrary to this Act nor to
the laws in force in this Province as shall be deemed useful or
necessary for the interests of the said corporation and for the
management thereof, and for the admission of members into the
50 said corporation, and from time to time to alter, repeal and

change such rules, orders and regulations or any of them or those of the said Institution in force at the time of the passing of this Act, and shall and may do execute and perform all and singular other the matters and things relating to the said corporation and the management thereof, or which shall or may appertain thereto subject nevertheless to the Rules, regulations, stipulations and provisions hereinafter, prescribed and established. 5

Income from property, how to be applied.

2. Provided always that the rents revenues issues and profits of all property real or personal held by the said corporation shall be appropriated and applied solely to the maintenance of the Members of the Corporation, the construction and repairs of the buildings requisite for the purposes of the said corporation and to the advancement of education and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid. 10 15

Property vested in the corporation.

Present rules continued.

3. All and every the estate and property real or personal belonging to or hereafter to be acquired by the Sisters of the said Association as such and all debts claims and rights whatsoever due to them, in that quality shall be and are hereby vested in the corporation hereby established and the rules orders and regulations now made or to be made for the management of the said Association shall be and continue to be the rules orders and regulations of the said corporation until altered or repealed in the manner herein provided. 20 25

Exemption from liability.

4. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned or all or any of the members of the said corporation or any person whatever individually liable or accountable for or by reason of any debt contract or security incurred or entered into for or by reason of the corporation or for or on account or in respect of any matter or thing whatsoever relating to the said corporation. 30

Powers to appoint officers &c.

5. The Mother Superior and Council of the said corporation for the time being shall have power to appoint such Attorney or Attornies of the property of the corporation and such officers and teachers and servants of the said corporation as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them, such compensation for their services respectively as shall be reasonable and proper; and shall have power to remove such attorney, officers, teachers and servants employed in and about the said Institution and to appoint others in their place and stead; And all officers so appointed shall during the continuance of such appointment be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said corporation as shall be prescribed by the rules orders and regulation of the said corporation. 35 40 45

Power to apprentice.

Power of council over orphanas.

6. And the said Superior and Council shall have full power and authority to apprentice or bind out to any healthy trade business or occupation the children received into the said Institution and shall have and may exercise over and with respect to them such powers as their parents if living would have and might exercise. 50

7. It shall be the duty of the said corporation, when there-
unto required by the Legislature, to lay before that Body a
statement of the real or immovable property or estate held by
virtue of this Act, and such details thereof as the Legislature
may require.

Returns to be
made to the
Legislature.

BILL.

An Act to incorporate the Sisters of St. Joseph of the Diocese of London, in Ontario.

(*PRIVATE BILL.*)

First Reading, 6th January, 1871.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 51.]

BILL.

[1871.

An Act to amend the Assessment Act of Ontario,
passed in the thirty-second year of the reign of
Her Majesty, chaptered thirty-six.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. That sub-section twenty-five of section nine of said recited Sub-s. 25 of s.
9 repealed.
5 Act, be repealed.

2. That section forty-nine, of said Act be amended by erasing S. 49 amend-
ed.
the word, "February," on the second line, and inserting in
lieu thereof, the words, "October of the preceding year;" and
by erasing the word, "may," on the fifth line, and inserting
10 therefor, "January," and by erasing the words, "in every
year," in the first and second lines, and by substituting therefor,
the following, namely : "in every three years, in townships and
in cities, towns and villages, annually."

3. That section fifty-nine be amended by adding thereto S. 59 amend-
ed.
15 the following words, "the Court of Revision for each township
may annually insert the names of any *bona fide* owner or occu-
pant."

15 4. That sub-section numbered two, of section seventy-one be Sub-s. 1, s. 71
repealed.
repealed.

5. That section eighty-two be amended by erasing the word, S. 82 amend-
ed.
"two," in the fourth line, and inserting in lieu thereof, the
word, "one."

20 6. That section eighty-four be amended by inserting after the S. 84 amended.
word, "township," in the first line, the words, "town or village."

7. That section eighty-six be amended by inserting after the S. 86 amended.
word, "townships," "towns and villages."

25 8. That section one hundred and fifty be amended by erasing S. 150 amend-
ed.
the letter "B," in the second line, and inserting therefor, the
letter "C."

30 9. Whenever lands were sold for arrears of taxes, prior to
the passing of the Act passed in the thirty-second year of Her
Majesty's reign, chaptered thirty-six, the conveyance thereof by
the Sheriff or Treasurer, as the case may be, although not made
before the passing of the said Act, should be to all intents and
purposes valid and binding, except as against the Crown, if the
same has not been questioned before some court of competent
jurisdiction by some person interested in the land so sold within
one year from the passing of this Act.

BILL.

An Act to amend the Assessment Act of Ontario, passed in the thirty-second year of the reign of Her Majesty, chaptered thirty-six.

First reading 6th January 1871.

Mr. TROW.

An Act to incorporate The Queen City Fire Insurance Company.

- W**HEREAS, the Honorable William McDougall, C. B., John Turner, Esquire, Robert W. Elliot, Esquire, Robert G. Barrett, Esquire, James B. Boustead, Esquire, James McLennan, Esquire, and William H. Howland, Esquire, have by their
 5 petition, prayed for the incorporation of a company in the name, style and title of "The Queen City Fire Insurance Company," for the purpose of insuring property against loss or damage by fire within the Province of Ontario; And whereas such companies are greatly beneficial to the interests of this
 10 Province, and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such insurances; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—
- 15 **1.** All persons who now are, and shall hereafter become Incorporation stockholders of the said association, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of
 20 "The Queen City Fire Insurance Company," and shall be capa- Name of com-pany. ble in law of purchasing, holding, or conveying any estate real or personal, for the use of the said corporation, subject to the rules and conditions hereinafter mentioned.
- 2.** A share in the stock of the said company shall be fifty Shares to be \$50 each, and capital \$100,000. dollars, and the capital of the company shall be one hundred
 25 thousand dollars, and books of subscription shall be opened in the city of Toronto under such regulations, as the majority of the directors hereby appointed shall direct; Provided always Proviso—capital may be increased. that it shall and may be lawful for the said corporation to increase its capital stock to a sum not exceeding two hundred
 30 and fifty thousand dollars, as a majority of the stockholders at a meeting to be expressly convened for that purpose, shall agree upon.
- 3.** It shall be lawful for any person or persons, bodies politic Calls. or corporate, to subscribe for such and so many shares as he,
 35 she, or they may think fit, and ten per cent. may be called for by the directors as soon as they deem it expedient, and the remainder may be called for in such instalments as a majority of the directors may determine upon, but such instalments shall not be called for or become payable in less than sixty days after
 40 public notice shall have been given in the Ontario *Gazette*, and in at least one newspaper published in the city of Toronto, and if any stockholder or stockholders, as aforesaid shall refuse or neglect to pay to said directors, or to such person or persons as

Forfeiture of shares for non-payment.

Proviso—company may enforce payment.

Shares to revert to holders on payment before sale.

Proof inactions for calls.

Company to have power to insure.

Proviso.

Company may hold and transfer real estate.

Proviso.

Power as to investments.

they may appoint and at such place, the instalments, so to be called for, due, or to become due, upon any share or shares held by him, her or them at the time and place required, such stockholder or stockholders, as aforesaid, shall forfeit such share or shares as aforesaid, at the option of the directors, and 5 such forfeited share or shares may be sold by the said directors after such notice to the holder thereof as they may direct, and the moneys arising from such sale shall be applied for the purposes of this Act; Provided always that the directors or corporation aforesaid shall have power to enforce such calls or 10 payments by law.

4. If payment of such arrears of calls, interest, costs and expenses be made before any share or share so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the 15 same belonged before such forfeiture, as if such calls had been duly paid.

5. And it shall only be necessary to prove, in case of action for arrears of calls, that the defendant was the owner of one or more shares in the company, that such calls were in fact made, 20 and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

6. The corporation hereby created and erected shall have power and authority to make and effect any contract or contracts 25 of insurance with any person or persons, bodies politic or corporate, against loss or damage by fire, or any house, store, building, ship, boat shipping or other erection, or any goods and chattels or personal estate whatever, under such modifications and restrictions as may be bargained or agreed upon or set forth, 30 and to cause themselves to be re-insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all necessary matters and things connected with and proper to promote or carry out those objects; Provided always that all risks insured against shall be within 35 the County of York, in the Province of Ontario.

7. The said corporation shall be in law capable of acquiring by purchase, lease, or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the course of their business, and may sell, let, convey, transfer and 40 dispose of, as to them shall seem expedient; Provided always that nothing in this Act shall be considered as permission to hold, permanently, any real estate beyond the annual value of ten thousand dollars, and the said corporation may also hold such real estate as shall have been *bona fide* mortgaged to them 45 by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts, and it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of their funds or money, any of the public securities of the Dominion of Canada, 50 or of any of the Provinces forming, or to form said Dominion, the stocks of any of the banks or other chartered companies of the Dominion, and the bonds of and debentures of any of the incorporated cities, towns or municipal corporations of Ontario, and also to sell and transfer the same, and again to renew such 55

investments when and so often as a due regard to the interests of said corporation may require, and also to make loans of the funds of the corporation on bond, note, or mortgage at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investment to call in and reloan as occasion may require.

8. The property, business and affairs of the company shall be managed by a board of not less than five, nor more than seven directors, which board in the first instance and until others shall be chosen, and appointed, as hereafter provided shall consist of the persons mentioned in the preamble of this act as petitioners for the passing thereof.

Board of directors.

9. So soon as the whole capital stock of said company shall have been subscribed for and taken up, and ten per cent thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of directors by ballot at such time and place as the directors hereby appointed shall appoint, giving at least ten days notice in some newspaper published in the city of Toronto, and the said directors shall be elected by a majority of the votes of the stockholders then present at such meeting, and hold office until the first annual meeting of the company shall take place, and they and all subsequently elected directors shall also be at the time of their election respectively, and during their continuance in office stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid, and shall have power to choose from among themselves a President and Vice-president; Provided always that the said company shall establish no agency or agencies outside of the city of Toronto.

Election of new directors.

Qualification of directors.

Proviso.

10. Each stockholder shall be entitled to one vote for each share of the capital stock of the company on which all calls due have been paid, which he, she, or they shall have held in his, her or their name or names, at least one month prior to the time of voting, and all votes given at any meeting of the stockholders shall be given in person by the party so voting, and every proposition at such meeting shall be decided by a majority of the votes of the stockholders present.

Stockholders to have a vote on each share.

11. If any director shall die, resign, or in any way become disqualified or incompetent to act as a director, the remaining directors, if they think fit, may elect in his place some stockholder duly qualified, to be a director, but in no event shall the number of directors be less than five.

Vacancies in the office of director.

12. A general meeting of the shareholders of the company shall be held at the city of Toronto on such day, and at such place, each and every year, as a majority of the directors may appoint, giving at least, ten days notice thereof, in some newspaper published in the city of Toronto, and at such meeting all the directors shall be held to vacate their seats, and the stockholders present at such meeting, shall proceed to elect by ballot, directors to serve for the ensuing year: Provided always that nothing herein contained, shall be held to render the retiring directors ineligible for re-election.

Annual meeting for the election of directors.

Proviso.

Annual state-
ment.

13. At the Annual general meeting of the company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property and securities, shewing the amount in real estate, in bonds and mortgages, and other securities, or in public debt or other stock, and the amount of debt due to and by the said company.

Provision in
case directors
are not ap-
pointed at the
proper time.

14. If it shall happen, from any cause, at any time, that an election of directors shall not take place at the proper time and place, pursuant to this Act, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office, until their successors are appointed.

Powers of di-
rectors as to
by-laws, etc.

15. Any member of the directors of the company, being a majority thereof, shall have full power and authority to make, prescribe, and alter such by-laws, rules, or ordinances, and regulations as shall appear to them right, proper and needful, touching the government, management, and well ordering of the company, its business, affairs, servants and agents, the rates and amount of insurance, the issuing of policies, the management and disposition of its stock, property, estate and effects, and also to call in any instalment or instalments of the subscribed stock thereof, at such times or seasons, and in such manner as they may see fit, giving due notice thereof, as hereinbefore provided, and, also, to declare and cause to be paid or distributed to the respective stockholders of the company, any dividend or dividends of profit, at such times and seasons, as they shall deem expedient, and also to appoint a managing director, secretary, treasurer, and other officers, or any of them, with such salary or allowance to each, as may be thought reasonable, and be agreed upon, and to take security for the due performance of their respective duties, as such directors shall think advisable: Provided always, that for the purposes in this section mentioned, a majority of the directors shall be present, except as hereinafter specially provided.

Proviso.

Meetings of
directors,

16. There shall, as may be fixed by the by-laws of the company, be a weekly, monthly, or semi-monthly meeting of the board of directors of the said company, and any three or more of the directors shall be a quorum, for the purpose of managing and transacting the details of the business and affairs of the company, and at all meetings of the board of directors, all questions before them shall be decided by a majority of the voices or votes, and in case of an equality of votes, the president, vice-president, or presiding director, shall give the casting vote over and above his proper vote as a director: Provided always, that nothing in this section contained, shall authorize interference with any matter elsewhere in this Act, specially provided for.

Proviso.

Compensation
to directors.

17. The directors for the time being, shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law or rule of the board, and the said directors shall not be answerable for, or chargable with, the defaults, neglect, or misdeeds of others of them.

18. All policies, deeds, cheques, mortgages, leases, bonds, Policies, etc.,
and other instruments issued or entered into by the said com- how executed.
pany, shall be signed by the president, vice-president or manag-
ing director, and counter-signed by the secretary or other officer
5 of the company, as may be by said directors from time to time,
ordered and agreed upon by by-law, or ordinance of the com-
pany, in the absence of such persons, and being so signed and
counter-signed, shall be held to be binding upon the company,
according to the tenor and meaning thereof.
- 10 19. No transfer of any share of the company shall be bind- Transfer of
ing or valid until entered in the books of the company, accord- shares.
ing to such form as the directors shall; from time to time appoint
and determine upon, and until the whole of the capital stock of
the company is paid up, it shall be necessary to obtain the con-
15 sent of the directors to such transfer being made, and whenever
entry is made in such books, of any transfer of stock not fully
paid up, to a person not being of apparently sufficient means,
the directors assenting to such transfer, shall be liable in the
same manner and to the same extent, as the transferring share-
20 holder, but for such entry, would have been: Provided, always,
that no stockholder indebted to the company shall be permitted
to make a transfer or receive a dividend, or vote on his stock,
until such debt is paid, or secured to be paid, to the satisfaction
of the directors.
- 25 20. The company shall not be bound to see to the execution Company not
of any trust, whether express, implied, or constructive, in re- to be liable to
spect of any share, and the receipt of the stockholder, his attor- see to the exe-
ney, or agent, in whose name the same may stand in the books cution of trusts
of the company, shall be a valid and binding discharge to the in respect of
30 company for any dividend or money payable in respect of such shares.
share, and whether or not notice of such trust has been given
to the company, and the company shall not be bound to see to
the application of the money paid upon such receipt.
21. Every executor, administrator, tutor, curator, guardian, Executors,
35 or trustee, shall represent the stock in his hands, at all meetings etc., may vote.
of the company, and may vote accordingly as a shareholder.
22. Any person who as secretary, clerk, accountant, book- Fraud to be a
keeper, or other officer of the company, shall be guilty of any misdemeanor.
designed falsehood, or found in any matter or thing pertaining
40 to his office or duty, shall be guilty of a misdemeanor, and any
person offering, in person, to vote at an election of directors of
the company, who shall falsely personate another, shall be gui-
lty of a misdemeanor.
23. Every stockholder shall be individually liable to the com- Liability of
45 pany and to the creditors thereof, for an amount equal to the stockholders.
amount unpaid on the stock held by him, her, or them, for the
debts and liabilities thereof, and for no other or further amount
or liability.
24. No dividends shall be paid out of stock and none shall Dividends how
50 be paid except from the genuine net profits of the company, its to be paid.
business, and investments.
25. If the directors of the company declare and pay any di- Penalty for
vidend when the company is insolvent, or any dividend the pay- paying divi-

dend when
company is
insolvent.

Proviso.

Act not to be
forfeited for
non-user be-
fore 1st Jan-
uary, 1875.

ment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends, so paid; Provided always, that noth-⁵ ing herein contained shall be held to make any director present at such meeting protesting against the declaration of any dividend and payment of same, liable under this section.

26. This present Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand **10** eight hundred and seventy-five.

No. 52.

4th Session, 1st Parliament, 34 Vic., 1871.

BILL.

An Act to Incorporate the Queen City Fire
Insurance Company.

(PRIVATE BILL.)

First Reading, 9th January, 1871.

Hon. Mr. CAMERON.

TORONTO:

An Act to incorporate The Newsboys' Lodging and Industrial Home of the City of Toronto.

WHEREAS an Institution supported by voluntary contributions has subsisted in the city of Toronto, for the past year and a half called and known as the Newsboys' Lodging and Industrial Home, the objects and purposes of which are to establish and maintain a Home or Lodging for vagrant boys frequenting the Streets of Toronto, where provision should be made; 1. To secure them food lodging and washing at a moderate charge and under such regulations as should tend to their reformation; 2. To encourage in them provident habits by taking care of their surplus earnings and advising and aiding them in their expenditures for clothing and other necessary requirements; 3. To provide instruction and innocent occupation for their leisure hours; 4. To provide them with permanent situations: And whereas the management of the said Institution is at present vested in a managing Committee elected annually: And whereas the said managing Committee have by their petition represented that the said Institution would be rendered much more efficient by giving it, the character of a corporation; and have prayed that an Act may be passed for that purpose; and it is expedient to grant their prayer: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province Ontario, enacts as follows:—

1. The Honorable George W. Allan, the Honorable Chief Justice Hagarty, the Honorable John McMurrich, Daniel Wilson, L.L.D., C. S. Gzowski, John McDonald, Robert Wilkes, James Lesslie, B. Homer Dixon, K. L. N., G. S. Beardmore, David Buchan, John C. Blaikie, John McCarter, A. T. McCord, F. W. Kingstone, John Hallam, S. H. Blake, J. J. Woodhouse, John K. Macdonald, Sutherland Stayner, George M. Evans, John McBean, S. Trees, R. M. Wells, W. Mortimer Clark and Robert Baldwin, Esquires, and Dr. Buchan, members of the managing Committee, and all other persons who may from time to time be elected to succeed them as members of the managing Committee shall be and they are hereby constituted a body politic and corporate under the name of "The Newsboys Lodging and Industrial Home of the City of Toronto."

Incorporation.
Incorporate name.

2. The said Corporation for their actual use and occupation may receive acquire and hold the land, now occupied by the said Institution and may purchase acquire and hold other lands in the city of Toronto, so as the annual value of the lands so held by them shall not at any one time exceed five thousand dollars and the said lands or any part thereof, may alienate exchange, mortgage, lease or otherwise charge or dispose of as occasion shall require; and may also acquire any other real estate or interest therein, by gift devise or bequest if made at

Power to hold land.

least six month before the death of the party making the same and may hold such estate or interest in the lands lastly mentioned for a period of not more than seven years and may within that period alienate or dispose of the same and the proceeds of the estate or interest so disposed of shall be invested in public securities county or municipal debentures or other approved securities for the use of the said Corporation and such estate or interest therein as may not within the said period have been alienated or disposed of shall revert to the party from whom the same was acquired his heirs or representatives. 10

Present property, officers, etc., of the institution.

3. The estate real and personal belonging to the said Institution or held in trust for it at the time of the passing of this Act shall become the property of the Corporation hereby created and the officers and the managing Committee of the said Institution shall be and continue to be the officers and managing Committee of the said Corporation until others shall be elected in their stead; and the by-laws rules orders and regulations of the said Institution shall be and continue to be the By-laws rules orders and regulations of the said Corporation until altered or repealed: And the said managing Committee shall be the governing body of the said Corporation and all vacancies which may occur in the interval between the annual meetings in the number elected to the said Committee from death resignation or otherwise may be filled up at a special meeting of the subscribers called for the purpose by a notice given in a similar manner to that required to be given for the annual meeting; Provided always that if from any cause such annual or special meeting shall not take place at the time appointed by the notice such meeting may be called as aforesaid at any subsequent time. 30

Proviso.

Annual meeting of subscribers.

4. The said managing Committee shall keep or cause to be kept in a book to be opened for that purpose a list of all subscribers to the said Institution or Corporation and a meeting of the said subscribers shall be held annually in the month of April on such day in the said month and at such hour and place as the managing Committee for the time being shall by notice thereof, given at least one week beforehand in some daily newspaper published in the city of Toronto appoint, and at each such meeting a Report in writing of the affairs and management of the said corporation, and of all moneys received and expended during the previous year shall be exhibited by the managing Committee for the year then past; and at such meeting the persons then present who shall be respectively subscribers of a sum of not less in amount than two dollars annually or donors at any one time of money to an amount of not less than twenty dollars or of lands to an amount of not less in value than one hundred dollars shall elect from the subscribers or donors of like amounts not fewer than ten persons as a managing Committee of the said Corporation. 45

Annual report.

Managing committee, how appointed.

Powers of managing committee as to by-laws, etc.

5. The said managing Committee may make such and so many by-laws, orders, and regulations (not being contrary to the laws of this Province or to this Act) as they may deem useful or necessary for the government of the said corporation, and may repeal, revoke, alter and amend any existing by-laws, orders, and regulations. 55

Power of man.

6. The said managing Committee may send out to service,

and bind or apprentice thereto, or to any healthy trade or business, until the age of twenty-one years, all boys having the protection of the said Corporation to, by, or with such person or persons, and upon such terms as to the said managing Committee may seem fit and proper; and for such purposes, and on behalf of and for such boy and themselves may enter into and make with any person or persons with whom such boy may be placed, articles of apprenticeship or agreement; and such articles or agreement may be enforced as well by action at law or in equity as by summary application to a Justice of the Peace (who is hereby empowered to act therein) under the provisions of chapter seventy-six of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Apprentices and Minors;" Provided, however, that no boy shall be apprenticed under the powers herein granted without his consent having been first given thereto.

7. The managing Committee may exercise over and with respect to the boys having the protection of the said corporation such powers as their parents or guardians would have or might exercise.

8. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of real estate.

9. The said corporation shall, at all times when required by the Lieutenant-Governor of the Province, make a full return of all property held by it with such details and other information as the Lieutenant-Governor may require.

BILL.

An Act to Incorporate The Newsboys
Lodging and Industrial Home of the City
of Toronto.

(*PRIVATE BILL.*)

First Reading 9th January, 1871.

Hon. Mr. CAMERON.

TORONTO :

An Act to appoint Trustees for certain Lands belonging to the Presbyterian Church in connection with the Church of Scotland, in the Town of Cornwall, and authorizing such Trustees to sell portions thereof.

WHEREAS it hath been made to appear by the petition of St. John's Church, being the Cornwall congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, Alexander McLean and William Mattice of the Town of Cornwall, James Craig of the Township of Charlottenburgh, in the County of Glengarry, and Daniel Eugene McIntyre, and Jacob Farrand Pringle, of the said Town of Cornwall, that by letters patent bearing date the fifteenth day of June, one thousand eight hundred and fifteen, certain lands, being lot number fifteen on the north side of First Street, and lot number fifteen on the south side of Second Street, in the Town of Cornwall, were granted in fee to the Honorable Neil McLean and others and their successors for ever, in trust for the benefit of the congregation of Presbyterians in the said Town of Cornwall in full communion with the Church of Scotland, and having a clergyman ordained by that Church : And whereas it hath been further made to appear that by letters patent, bearing date the twenty-seventh day of December, one thousand eight hundred and thirty-three, certain other lands, being the east half of lot number five in the second concession of the Township of Cornwall, in the County of Stormont, as reckoned in the eastern boundary of the township, were granted in fee to Archibald MacLean and others, and their successors for ever, in trust, to hold the same for the use of the minister or incumbent of St. John's Church, at Cornwall, in connection with the Church of Scotland, as a Glebe appurtenant to the said Church of St. John : And whereas it hath been further made to appear that the said Church of St. John is identical with the said first mentioned congregation for which the firstly herein described lands are held in trust : And whereas it hath been further made to appear that, by a certain deed dated the thirty-first day of December, one thousand eight hundred and fifty-three, one William Cline granted to the Honourable Archibald McLean and others, "the Trustees of the congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Town of Cornwall," and their successors for ever, certain other lands, being lot number three on the north side of Second street, and lot number three on the south side of Third street in the said Town of Cornwall, in trust for the benefit of the said congregation, for the support of public worship and the propagation of Christian knowledge : And whereas different modes and provisions are by the said patents and deed declared for the appointment of new and succeeding trustees, and all the

trustees appointed by the said patents are now dead without any successors having been appointed, and the petitioners, Alexander McLean and William Mattice, are now the only trustees under the said deed: And whereas the said parcels of land are held for substantially the same purposes, and it is advisable that the same should be vested in one set of trustees, and that provision should be made for the appointment of their successors in accordance with the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Appointment
of trustees.**

1. The said lands, as described in the said patents and deed, and all the estate and interest therein of the original trustees named in each of the aforesaid letters patent and the said deed, shall by virtue of this Act be and are hereby declared to be vested in fee simple in the said Alexander McLean, William Mattice, James Craig, Daniel Eugene McIntyre, and Jacob Far-
rand Pringle and their successors in office, to be appointed as hereinafter provided under the name of "The Trustees of the
Congregation of the Presbyterian Church of Canada in connec-
tion with the Church of Scotland, in the Town of Cornwall,"
in trust for the benefit of the said congregation, for the support
of public worship and the propagation of Christian knowledge,
and also for the site of a church, chapel, meeting house, burial
ground, or residence for the minister or ministers, as the said
congregation shall deem proper.

**Vacancies in
office of trustee,
how filled.**

2. That in case any of the trustees hereby appointed, or any succeeding trustee or trustees to be appointed as hereinafter mentioned, shall happen to die or be desirous of being discharged from the powers or trusts hereby in them reposed, or vested, or become incapable of acting in the same, then, and in every such case, and so often as the same shall happen, the remaining trustee or trustees, or the majority of them, by any writing or writings under their hands and seals, to by them held and delivered in the presence of, and attested by two or more
credible witnesses, may nominate, substitute and appoint any
other fit person in the room or place of such trustee who shall
so die, or be desirous of being released from, or discharged, or
become incapable of acting in the aforesaid trusts.

**C. S. U. C.,
cap. 69, ss. 4,
6, 7 and 11 to
apply to this
Act.**

3. The said trustees shall, and may from time to time have and exercise the rights and privileges conferred by the fourth, fifth, sixth and seventh sections of chapter sixty-nine, of the Consolidated Statutes for Upper Canada, as if the same were incorporated in and formed part of this Act, and shall also, in the same manner be subject to the provisions of the eleventh
and twelfth sections of the said chapter sixty-nine.

**Powers of
trustees as to
certain lands
in the town of
Cornwall.**

4. The said trustees and their successors in office, shall have full power to mortgage or absolutely sell and dispose of the east half of lot number five, in the second concession of the said township of Cornwall; and lot number three, on the north
side of Second street, and lot number three on the south side of Third street, in the said town of Cornwall, or any portion or portions thereof, at public auction or by private sale, for cash or on credit, secured in such a manner as to them shall seem fit, with power to buy in at any auction or auctions, and re-sell and
rescind, or vary any sale or contract for sale that may have been

entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances, execute and deliver, and the consideration money, demand and receive, and to release or assign any mortgages or other securities that may be given for the purchase money or any part thereof.

- 5.** The vendors shall apply the moneys derived from the mortgage or mortgages, and the proceeds of such sale or sales, in the purchase of a suitable lot of land for a manse, and the building of a manse for the minister or ministers of the said congregation, or in such other manner as they deem best, for the benefit of the minister or ministers for the time being, of the said congregation, and for the interests of the congregation, adhering to the said church: Provided always that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said lot or of any part thereof.
- Application of proceeds of sales of lands in Cornwall.
- Proviso.

BILL.

An Act to appoint Trustees for certain lands belonging to the Presbyterian Church, in connection with the Church of Scotland, in the Town of Cornwall, and authorizing such Trustees to sell portions thereof.

(*PRIVATE BILL.*)

First Reading, 9th Jan., 1871.

Mr. CRAIG, (*Glengarry.*)

TORONTO:

PRINTED BY HUNTER ROSE & CO

An Act to make the Members of the Law Society of Ontario elective by the Bar thereof.

WHEREAS, it is expedient that a change be made in the manner of the election of benchers of the Law Society, and petitions have been presented, praying for the same. Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows: --

1. The fourth section of the Act of the Consolidated Statutes for Upper Canada, chaptered thirty-three, intituled, "An Act respecting the Law Society of Upper Canada," is hereby repealed. Con. Stat. U. C., cap. 33, s. 4, repealed.
2. The present benchers shall hold office, and continue with all their duties and powers unimpaired until the first day of Hilary Term, in the year of our Lord one thousand eight hundred and seventy-two, as if the said fourth section had not been repealed; and all By-laws, resolutions, rules and regulations of the Law Society at present existing, or which shall be passed by the present benchers until the said first day of Hilary Term, in the year of our Lord one thousand eight hundred and seventy-two, except so far as the same are, or shall be inconsistent with this Act, shall remain in full force and effect until altered by the benchers to be appointed as hereinafter provided for. Present Benchers and by-laws, rules, etc., continued.
3. On the first day of Hilary Term, one thousand eight hundred and seventy-two, the present benchers except as hereinafter provided, shall cease to hold office, and from and after that day the benchers of the Law Society, exclusive of *ex-officio* members, shall be thirty in number, to be elected as hereinafter provided. Benchers to be thirty in number.
4. The Attorney-General for the time being of the Province of Ontario, and all members of the Bar of Ontario, who shall have at any time held the office of Attorney-General for the Province of Ontario, or of Attorney-General or Solicitor-General for that part of the late Province of Canada, formerly Upper Canada, and any retired Judge or Judges of the Superior Courts of Law or Equity for the Province of Ontario, shall respectively *ex-officio* be Benchers of the Society. Ex-officio Benchers.
5. Her Majesty's Counsel learned in the Law of the Bar of Ontario, shall elect from among themselves twelve persons to be Benchers of the said Law Society. Queen's counsel to elect twelve benchers.
6. For the purpose of the election of the remaining eighteen Benchers, this Province shall be deemed to be divided into the five districts following:— Districts for the election of benchers.

One comprising the Counties of Essex, Lambton, Kent, Middlesex, Elgin, Oxford, Huron, Perth and Bruce.

One comprising the Counties of Wellington, Waterloo, Brant,

Norfolk, Haldimand, Monck, Welland, Lincoln, Wentworth and Halton.

One comprising the Counties of Grey, Simcoe, Peel, York, Ontario, and the Districts of Muskoka, Algoma and Parry Sound. 5

One comprising the Counties of Victoria, Durham, Peterborough, Northumberland, Hastings and Prince Edward.

One comprising the Counties of Frontenac, Lennox and Addington, Renfrew, Leeds, Lanark, Grenville, Dundas, Stormont, Glengarry, Prescott, Russell and Carleton. 10

Names of districts.

The said Districts shall be termed respectively, the London, Hamilton, Toronto, Cobourg and Brockville Districts.

Elections in districts other than the Toronto district.

7. For each of the said districts other than Toronto there shall be elected by the Members of the Bar, usually resident and practising in the said districts respectively, three Members of 15 the Bar, of at least ten years standing, and whether resident or practising in said respective districts or not, and whether the same shall be one of Her Majesty's said Counsel or not, to be Benchers of the Law Society; and for the Toronto District, there shall be similarly elected as Benchers six members of the 20 like standing.

Elections in the Toronto district.

First election, by Queen's counsel, and in Toronto district.

8. The first election for such of the Benchers as by this Act are directed to be elected by Her Majesty's Counsel and of such Benchers as hereby directed to be elected for the Toronto District, shall take place on the first Saturday in 25 the Michaelmas Term next succeeding the passing of this Act, and every subsequent election of such members as are hereby directed to be elected by Her Majesty's Counsel and of such Benchers as are hereby directed to be elected for the district of Toronto, shall take place on the first Saturday of the Michael- 30 mas Term, in the year proper for holding such election; and such elections shall take place at Osgoode Hall, in the City of Toronto.

Subsequent elections.

First election for the districts of London, Hamilton, Cobourg, and Brockville.

9. The first election for the districts of London, Hamilton, Cobourg, and Brockville, shall take place on the first Wednes- 35 day after Michaelmas Term next succeeding the passing of this Act; and every subsequent election for the said districts, shall be held on the first Wednesday after Michaelmas Term in the year proper for holding such elections: and such elections shall take place in the Court House of the Cities of London and Hamilton, 40 and of the Towns of Cobourg and Brockville, respectively, for the districts in which such cities and towns are situated respectively.

Subsequent elections.

Returning officer for elections at Osgoode Hall.

10. In the case of such elections as are by this Act directed to be held at Osgoode Hall, in the City of Toronto, the Secre- 45 tary to the Law Society for the time being shall act as Returning Officer, and shall receive the votes of all Her Majesty's said Counsel, and of all Members of the Bar entitled to vote at such elections, and shall record in separate books to be kept by him for that purpose, one for the election by 50 Her Majesty's said Counsel, and another for the election by the Members of the Bar, the name and residence of each person

Manner of recording votes.

voting together with the names of those for whom such person shall have voted: and such books shall be returned by the Secretary to the first meeting of the newly elected Benchers, together with all such books kept for a like purpose by the
5 other Returning Officers, and which by this Act are required to be returned by such Returning Officers to the Secretary for the time being of the Law Society.

11. In the event of there being no Secretary for the time
being of the Law Society at the time at which any election
10 under this Act is to be held at Toronto, or in the event of such
Secretary being unable from illness or other unavoidable cause
to act as returning officer at such election, then and in such
case the treasurer for the time being of the Law Society shall
appoint under his hand some other person to act as such return-
15 ing officer, and such person so appointed shall perform all the
duties of such returning officer as prescribed by this Act, and
shall be entitled to receive the remuneration provided by this
Act for the performance of such duties.

12. The secretary of the Law Society for the time being, or
20 such other person as may be appointed under the last preceding
section, shall as soon as conveniently may be, by inspection of
the books directed to be kept by him by the tenth section of
this Act, determine who are the persons duly elected under
this Act as benchers elected by Her Majesty's counsel and by
25 the Members of the Bar for the district of Toronto, and shall
advertise the same, together with the names of such persons as
may be returned to him as duly elected for the other districts
referred to in this Act in the *Ontario Gazette*, at least two weeks
before the first day of Hilary Term then next ensuing.

13. The secretary of the Law Society for the time being, or
such other person as shall be appointed under the eleventh
section of this Act, shall attend at Osgoode Hall for the pur-
pose of receiving all votes that shall be tendered to him from
the hour of (ten) in the forenoon of the day appointed by this
35 Act for such elections as are to be held by him, till the hour of
(four) in the afternoon of the same day.

14. In the case of such elections as are by this Act directed
to be held in the districts of London, Hamilton, Brockville and
Cobourg, the County Court Judge for the county in which such
40 election is directed to take place shall act as returning officer
for such district, or in the event of there being a vacancy in
the office of County Court Judge for such county at the time
when any such election is by this Act appointed to take place,
or in the event of the County Court Judge being unable from
45 sickness or other unavoidable cause to act as returning officer,
then the Clerk of the County Court for the city or town wherein
the election is to take place shall act as the returning officer.

15. The County Court Judge or other person acting as re-
turning officer, under the provisions of the last preceding
50 section, shall receive the votes of all persons entitled to vote
for the district in which such election shall take place, and
shall record in a book to be kept by him for that purpose, the
name and residence of each person voting, together with the
names of those for whom such person votes, and shall return
55 such book together with the return of members elected for such

Returning
officer in
Toronto when
there is no
Secretary of
the law
society.

Duties of th
Secretary of
the law society
after the
election.

Hours in
which the
elections are to
be held by the
Secretary.

Returning
officers for
elections in
districts other
than Toronto.

Manner of
recording
votes.

district, to the secretary for the time being of the Law Society at Toronto, at least three weeks before the first day of Hilary Term next ensuing.

Returns of elections.

16. The County Court Judge or other person acting as returning officer shall, as soon as conveniently may be, by inspection of the book required to be kept by him by the last preceding section, determine who are the Benchers duly elected for the district in which such election has taken place, and shall under his hand return the names of such Benchers to the secretary of the Law Society for the time being, at least three weeks before the first day of Hilary Term next ensuing such election. 5 10

Time for holding elections by the County Judge.

17. The County Court Judge, or person acting as returning officer, under the fourteenth section of this Act, shall attend at the court house of the city or town in which the election is to take place, from the hour of (ten) in the forenoon of the day appointed by this Act for such election, to the hour of four in the afternoon of the same day, for the purpose of receiving all votes that shall be tendered to him. 15

Fees to returning officers.

18. The person acting as returning officer under any of the preceding clauses shall be entitled to be paid out of the funds of the Law Society the sum of , in addition to necessary disbursements, for each occasion whereon he acts as such officer. 20

Term of office of benchers.

19. The persons so elected Benchers as aforesaid shall take office on the first day of Hilary Term following their election, and shall hold office until the beginning of the Hilary Term which shall be the fifth after they shall have entered on their said office, or till the election of their successors. 25

Committee on election petitions.

20. It shall be competent for the majority of the Benchers present at any meeting in the first Hilary Term after their election, to appoint a committee of their number to enter upon an enquiry with respect to the due election of any of the said Benchers whose election or elections may be petitioned against by any member of the Bar who has voted in the particular district for which the Bencher or Benchers petitioned against have been elected, or if the petition is against the return of any of the Benchers elected by Her Majesty's counsel; then on the petition of any of Her Majesty's counsel who voted at the election of such Bencher or Benchers, and after such enquiry, to report such Bencher or Benchers as duly or not duly elected or qualified according to the fact, and, if necessary, to report the name or names of the next in order of votes of the duly qualified Members of the Bar, or of Her Majesty's counsel, as Bencher or Benchers, in lieu of the person or persons petitioned against and reported not duly elected or qualified; and on the confirmation of the said report by the majority of Benchers (other than those petitioned against) present at any meeting for that purpose, the person or persons so reported in lieu of those petitioned against as aforesaid shall be taken and deemed to be the duly elected and qualified Bencher or Benchers. 30 35 40 45 50

Their duties.

Time for filing election petitions.

21. No petition against the return of any Bencher shall be entertained unless such petition shall be filed with the Secretary of the Law Society at least ten days before the first day of

Hilary Term next succeeding such election, and shall contain a statement of the grounds on which such election is disputed, and unless a copy of such petition be served upon the Benchers whose election is disputed at least ten days before the first day of the said Hilary Term, and no grounds not mentioned in petition shall be gone into on the hearing of such petition. Contents of petitions.

22. On any such notice being duly filed as aforesaid, the Benchers shall during the first week of the Hilary Term succeeding such election, appoint a day for the hearing of such petition, and give notice of such day to the petitioner and to the person whose return is disputed; provided that all such petitions shall be finally disposed of during the said Hilary Term. Hearing petitions.

23. On the hearing of any such petition the Benchers shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer of the Law Society or under the hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena, and any witness not attending in obedience thereto, shall be liable to attachment in either of the Superior Courts. Powers of benchers on hearing petitions.

24. Any person petitioning against the return of any Benchers shall deposit with the Secretary of the Law Society the sum of £10 to meet any costs which such Benchers shall be put to in the opinion of the Committee before which such petition shall be heard; and such Committee shall have power in the event of such petition being dismissed, to award such sum to be paid to the Benchers petitioned against as in their opinion is just, and shall have power in their discretion in the event of such Benchers being decided to be not duly elected or qualified, to award costs to the petitioner, and the costs so awarded shall be recoverable in any Court of competent jurisdiction. Petitioners to deposit £10 with secretary for costs. Power of committee as to costs.

25. The Benchers shall, on the first meeting after their election proceed to elect one of their body as Treasurer, who shall be the President of the Society, and shall have all such powers as are at present possessed by the Treasurer of the Law Society; and such Treasurer shall hold office until the appointment of his successor; and the election of Treasurer shall take place on the first Saturday of Hilary Term in every year; provided that the retiring Treasurer shall be eligible for re-election. Election of Treasurer. Duration of his office.

26. In case of the failure in any instance, in any district, to elect the requisite number of duly qualified Benchers therefor, according to the provisions of this Act, or in case any of Her Majesty's counsel, or Member of the Bar, shall have been elected for more than one district, or in case one of Her Majesty's counsel shall have been elected for one district, and as one of the Benchers to be elected by Her Majesty's counsel under the provisions of the fifth section of this Act, or in case of any vacancy caused by the death or resignation of any Benchers, then it shall be the duty of the remaining Benchers, with all convenient speed, at a meeting to be specially called for the purpose, to supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provision of this Act to be elected as a Benchers; and the person or Vacancies among Benchers—how filled up.

persons so elected shall hold office for the residue of the period for which the other Benchers have been elected.

Retiring
benchers
re-eligible.

27. At all elections to take place under this Act, all retiring Benchers shall be re-eligible.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to make the Members of the Law
Society of Ontario elective by the Bar
thereof.

First reading 9th January, 1871.

Atty.-Gen. MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to make the Members of the Law Society of Ontario elective by the Bar thereof.

WHEREAS, it is expedient that a change be made in the manner of the election of benchers of the Law Society, and petitions have been presented, praying for the same. Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The fourth section of the Act of the Consolidated Statutes for Upper Canada, chaptered thirty-three, intituled, "An Act respecting the Law Society of Upper Canada," is hereby repealed.
2. The present benchers shall hold office, and continue with all their duties and powers unimpaired until the first day of Easter Term, in the year of our Lord one thousand eight hundred and seventy-one, as if the said fourth section had not been repealed; and all By-laws, resolutions, rules and regulations of the Law Society at present existing, or which shall be passed by the present benchers until the said first day of Easter Term, in the year of our Lord one thousand eight hundred and seventy-one, except so far as the same are, or shall be inconsistent with this Act, shall remain in full force and effect until altered by the benchers to be appointed as hereinafter provided for.
3. On the first day of Easter Term, one thousand eight hundred and seventy-one, the present benchers except as hereinafter provided, shall cease to hold office, and from and after that day the benchers of the Law Society, exclusive of *ex-officio* members, shall be thirty in number, to be elected as hereinafter provided.
4. The Attorney-General for the time being of the Province of Ontario, and all members of the Bar of Ontario, who shall have at any time held the office of Attorney-General for the Province of Ontario, or of Attorney-General or Solicitor-General for that part of the late Province of Canada, formerly Upper Canada, and any retired Judge or Judges of the Superior Courts of Law or Equity for the Province of Ontario, shall respectively *ex-officio* be Benchers of the Society.
5. For the purpose of the election of the remaining thirty benchers, each member of the Bar not hereinafter declared ineligible as an elector, may vote for thirty persons.
6. Such votes shall be given by closed voting papers, in the form in schedule A. of this Act, or to the like effect, being delivered to the Secretary of the Law Society on the first Wednesday of April of the year proper for such election, or during the Monday and Tuesday immediately preceding; any voting papers

received by the said Secretary by post during said days, or during the preceding week, shall be deemed as delivered to him.

7. The said voting papers shall, upon the Thursday following, be opened by the Secretary of the Law Society in the presence of the scrutineers, to be appointed as hereinafter mentioned, who shall scrutinize and count the votes, and keep a record thereof in a proper book, to be provided by the said Society. 5

8. The thirty persons who shall have the highest number of votes shall be benchers of the said Law Society for the next term. 10

9. Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers.

10. In case of an equality of votes between two or more persons, which leaves the election of one or more of such benchers undecided, then the said scrutineers shall forthwith put into a ballot-box a number of papers, with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Secretary of the said society shall draw by chance from such ballot box in the presence of the said scrutineers one or more of such papers sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such benchers. 15 20

11. No person shall be entitled to vote as an elector at such election unless all his bar fees to the law society have been paid one month previous to the time fixed by the next section for making up the Register of Voters. 25

12. The Secretary of the Law Society shall, before the term previous to the time for any election, make out an alphabetical list or register of the members of the bar who are entitled to vote at the succeeding election, and such register may be examined by any member of the said society at all reasonable times, at the office of the said secretary; and no person whose name is not inserted in the said list shall be entitled to vote at any election under this Act; Provided always that, in case any member of the said society complains to the said secretary, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the secretary of the said society forthwith to examine into the said complaint and rectify such error if any there be, and, in case any person is dissatisfied with the decision of the said secretary, he may appeal to the persons who have been appointed to act as scrutineers for the next election thereafter, and the decision of such scrutineers shall be final; and such list shall remain or be altered in accordance with such decision; and the secretary shall add to such list the names of all persons who have been called to the bar during the term previous to such elections; and no alterations shall be made to such list except as is provided in this section; and the said list, as it shall stand revised upon the last Monday of the said last-mentioned term, shall be held to be the register of persons entitled to vote at the next election; and no person shall be entitled to vote thereat unless his name is contained in such register. 30 35 40 45 50

13. Any votes cast for any person who is ineligible to be a

bencher, or who is a benchor *ex officio* shall be null and void ; and the election shall be declared as if such votes had not been cast.

14. No person shall be eligible as a benchor at any election
5 who is not qualified to vote at such election.

15. Upon the completion of the scrutiny the said secretary shall forthwith declare the result of said election and report the same to the said society, and shall cause the names to be published in the next two issues of the *Ontario Gazette*.

10 16. The benchers of the said Law Society shall, during the term next preceding such election, appoint two persons, who, with the Treasurer, shall act as scrutineers at the next election ; and the said benchers shall also, during the said preceding term, appoint a third person, who shall act for and as the
15 Treasurer, in case he should be absent during such meeting.

17. The first of said elections shall be held on the first Thursday in April, 1871, and the subsequent elections shall be held on the first Thursday of every fifth year thereafter ; but in case the scrutineers are unable to complete the scrutiny
20 upon such day, the same shall be continued from day to day until the election is declared ; in case any scrutineer is absent during such scrutiny the others may nevertheless proceed therewith.

18. In the event of any elector placing more than thirty names
25 on his voting paper, the first thirty only shall be taken, notwithstanding any of such thirty persons so named may be ineligible for election from any cause whatever.

19. The members of said society may make such regulations as they consider expedient not contrary to the provisions of the
30 Act, for regulating the procedure under section twelve of this Act, and for the remuneration of the scrutineers appointed under this Act.

20. The said voting papers belonging to any election shall not be destroyed until after all petitions in respect to such elec-
35 tion have been decided, but the same shall, together with all other papers in connection with the said election be retained by the secretary.

21. No person shall sign the name of any other person to any voting paper, under this Act, or alter or add to or falsi-
40 fy or fill up any blank in any voting paper signed by another person, or deliver, or causing to be delivered, or send or cause to be sent, by post or otherwise, to the said secretary, any such false voting paper, or any voting paper which has been added to, falsified, or in which any blank has been
45 filled up after the same was signed.

22. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this Act is to be held, or in the event of such Secretary being unable from illness or other unavoidable cause to act at
50 such elections, then and in such case the treasurer for the time being of the Law Society shall appoint under his hand some

other person to act as such Secretary, and such person so appointed shall perform all the duties of such Secretary, as prescribed by this Act.

23. The persons so elected Benchers as aforesaid shall take office on the first day of Easter Term following their election, 5 and shall hold office until the beginning of the Easter Term which shall be the fifth after they shall have entered on their said office, or till the election of their successors.

24. It shall be competent for the majority of the Benchers present at any meeting in the first Easter Term after their 10 election, to appoint a committee of their number to enter upon an enquiry with respect to the due election of any of the said Benchers whose election or elections may be petitioned against by any member of the Bar who voted at the election of such Bencher or Benchers, and after such enquiry, to 15 report such Bencher or Benchers as duly or not duly elected or qualified according to the fact, and, if necessary, to report the name or names of the next in order of votes of the duly qualified Members of the Bar, in lieu of the person or persons petitioned against and reported not duly elected or qualified; and on the 20 confirmation of the said report by the majority of Benchers (other than those petitioned against) present at any meeting for that purpose, the person or persons so reported in lieu of those petitioned against as aforesaid shall be taken and deemed to be the duly elected and qualified Bencher or Benchers. 25

25. No petition against the return of any Bencher shall be entertained unless such petition shall be filed with the Secretary of the Law Society at least ten days before the first day of Easter Term next succeeding such election, and shall contain a statement of the grounds on which such election is disputed, and 30 unless a copy of such petition be served upon the Bencher whose election is disputed at least ten days before the first day of the said Easter Term, and no grounds not mentioned in the petition shall be gone into on the hearing of such petition.

26. On any such notice being duly filed as aforesaid, the 35 Benchers shall during the first week of the Easter Term succeeding such election, appoint a day for the hearing of such petition, and give notice of such day to the petitioner and to the person whose return is disputed; provided that all such petitions shall be finally disposed of during the said Easter Term. 40

27. On the hearing of any such petition the Benchers shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer of the Law Society or under the hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena, and any witness not attending in obedience thereto, shall be liable to attachment in 45 either of the Superior Courts.

28. Any person petitioning against the return of any Bencher shall deposit with the Secretary of the Law Society the sum of 50 one hundred dollars to meet any costs which such Bencher shall be put to in the opinion of the Committee before which such petition shall be heard; and such Committee shall have power in the event of such petition being dismissed, to award such sum to be paid to the Bencher petitioned against as in their opinion is

just, and shall have power in their discretion in the event of such Benchers being decided to be not duly elected or qualified, to award costs to the petitioner, and the costs so awarded shall be recoverable in any Court of competent jurisdiction.

- 5 **29.** The Benchers shall, on the first meeting after their election proceed to elect one of their body as Treasurer, who shall be the President of the Society, and shall have all such statutory powers as are at present possessed by the Treasurer of the Law Society; and such Treasurer shall hold office until the appointment of his successor; and the election of Treasurer shall take place on the first Saturday of Easter Term in every year; provided that the retiring Treasurer shall be eligible for re-election.

- 15 **30.** In case of the failure in any instance to elect the requisite number of duly qualified Benchers, according to the provisions of this Act, or in case of any vacancy caused by the death or resignation of any Benchers, then it shall be the duty of the remaining Benchers, with all convenient speed, at a meeting to be specially called for the purpose, and to be held during the next term thereafter, to supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provision of this Act to be elected as a Benchers; and the person or
25 persons so elected shall hold office for the residue of the period for which the other Benchers have been elected.

31. At all elections to take place under this Act, all retiring Benchers shall be re-eligible.

SCHEDULE "A."

LAW SOCIETY ELECTION, 18

I, _____, of the _____,
in the county of _____, Barrister-at-Law, do hereby
declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following persons as benchers of the Law Society:—

A. B., of the	, in the county of
C. D., of the	, in the county of
E. F., of the	, in the county of
G. H., of the	, in the county of
I. J., of the	, in the county of

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed on the day of the date thereof.

Witness, my hand, this
A.D. 1870.

day of

BILL.

An Act to make the Members of the Law
Society of Ontario elective by the Bar
thereof.

*(Reprinted as amended by Special Com-
mittee.)*

First reading, 9th January, 1871.

Attorney-General MACDONALD.

An Act to vest in the Honorable Oliver Blake, the south half of lot number fifteen, in the fifth concession of the Township of Howard in the County of Kent.

WHEREAS the Honorable Oliver Blake and his daughter Sally Ann Haigh, and his grand-children, and her children John Rolph Haigh and Thomas Warren Haigh, have by their petition represented that Benjamin Haigh, the husband of the said Sally Ann Haigh, and the father of the said John Rolph Haigh and Thomas Warren Haigh, and also of Clara Haigh and Oliver Blake Haigh by the said Sally Ann Haigh, died on or about the month of August 1865, at Brome in the Province of Quebec, having first made his last will and testament, devising to the said the Honorable Oliver Blake the south half of lot number fifteen in the fifth concession of the Township of Howard in the County of Kent in the Province of Ontario, to be by him sold and the proceeds thereof to be applied to the support and maintenance of the said Sally Ann Haigh, and his and her said children; and also further representing that the said will has been lost or mislaid and after diligent search cannot be found, and praying that an Act may be passed confirming the said will, and vesting in the said the Honorable Oliver Blake the said half of the said lot to and for the purposes aforesaid; And whereas it appearing that the said representations are correct, and therefore but reasonable that the prayer of the said Petitioners should be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. All the estate, right, title, and interest in and to the south half of lot number fifteen, in the fifth concession of the Township of Howard in the County of Kent and Province of Ontario, of which the said Benjamin Haigh died, seized, possessed, or entitled to become were and are vested in the said the Honorable Oliver Blake, his heirs and assigns, upon trust to sell and dispose of the same for the best price that can be reasonably obtained for the same, and as to the proceeds arising from such sale, upon the further trust to apply said proceeds to and for the support and maintenance of the said John Rolph Haigh, Thomas Warren Haigh, Clara Haigh, and Oliver Blake Haigh, share and share alike.

South half of lot 15 in 5th concession of Howard vested in Hon. Oliver Blake in trust to sell.

Application of the proceeds of the sale.

2. Nothing in this Act contained shall be construed to interfere with or to deprive the said Sally Ann Haigh of her right of dower in the said land.

Right of S. A. Haigh to dower to remain.

ALL DECISIONS TO BE

An Act to vest in the Honorable Oliver

(PRIVATE BILL.)

First reading 15th January, 1871.

Hon. Mr. Wood

TORONTO:

PRINTED BY HUNTER, ROSE & CO

TORONTO.

An Act to incorporate the London, Huron and Bruce
Railway Company.

WHEREAS a petition has been presented, praying that a Preamble.

Company may be incorporated to construct a railway from the city of London to some point in the township of Stanley or Tuckersmith, in the county of Huron, or both, with
5 power to extend the same to Goderich or Kincardine, or both, or to some other point or points on Lake Huron, and it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 **1.** Murray Anderson, The Honourable John Carling, Charles Incorporation
P. Smith, Alexander Johnston, Isaac Carling, W. T. Hays,
Josiah Blackburn, Daniel Shoff, James H. Flock, James
Cousins, Joseph Atkinson, Robert Bell, John Williams, Hugh
F. McDonald, William Ferris, James Egan, Robert Reid, James
15 Buntin, Ellis W. Hyman, and Thomas Churcher, together with
such persons and corporations as shall, in pursuance of this Act,
become shareholders of the said Company hereby incorporated,
are hereby constituted and declared to be a body corporate and
politic by the name of "The London, Huron and Bruce Rail-
20 way Company."

Name of Corporation.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and
also the several clauses thereof with respect to "interpretation,"
25 "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls,"
"general meetings," "President and Directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and
30 penalties, and their prosecution," "by-laws, notices, &c.,"
"working of the railway and general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with
35 the express enactments hereof; and the expression, "This Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

3. The said Company and their servants and agents shall have full power, under this Act, to construct a railway from
40 any point in the city of London to some point in the townships of Stanley or Tuckersmith, in the county of Huron, or both, with power to extend the same to Goderich or Kincardine, or both, or to some other point or points on Lake Huron.

Construction of Railway.

Gauge of Railway.

4. The gauge of the said railway shall not be less than two feet, but may be wider, in the discretion of the directors of said Company.

Form and Registration of conveyance of Land.

5. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule 5 (A) hereunder written or to the like effect, and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, 10 including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional Directors.

6. From and after the passing of this Act the said Murray Anderson, The Honourable John Carling, Charles P. Smith, Alexander Johnston, Isaac Carling, W. , T. Hays, 15 Josiah Blackburn, Daniel Shoff, James H. Flock, James Cousins, Joseph Atkinson, Robert Bell, John Williams, Hugh F. McDonald, William Ferris, James Egan, Robert Reid, James Buntin, Ellis W. Hyman, and Thomas Churcher, shall be the Provisional Directors of the said Company. 20

Powers of Directors.

7. The said Provisional Directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring therein, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all other powers as under the Railway Act are vested in such Boards. 25

Capital, \$1,000,000, with power to increase.

8. The capital of the Company hereby incorporated shall be one million dollars, (with power to increase the same in the 30 manner provided by the Railway Act), to be divided into twenty thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company, and the money so raised shall be applied, in the first place, to the payment and discharge of all 35 fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of 40 this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any city, county, township or village to pay out of the funds of such municipality, or for any individual or individuals to pay and advance, either by way of 45 bonus or donation, or by way of loan, to the said Company, such preliminary expenses or any part thereof as to the council of such municipality, or to such individual or individuals may appear expedient; and in case of a loan, any sum thus advanced shall be refunded to the municipality or individual or indi- 50 viduals from the stock of said Company, or shall be allowed in payment of any stock which may be subscribed for by each municipality or individual or individuals.

Application of the money raised on the stock.

Advances for preliminary expenses.

Municipalities may exempt Railway from taxation.

9. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situate, 55

by by-law specially passed for that purpose, to exempt the said Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient.

- 10 And it shall further be lawful for any municipality or Municipalities may aid by Bonus, &c.
 10 municipalities through any part of which or near which the railway or works of the said Company shall pass or be situated, to aid and assist the said Company by loaning or guaranteeing, or giving money by way of bonus or donations, or other means, to the Company, in the construction or equipment of said rail-
 15 way or of any of the works authorized under this Act, in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always that no such aid or assistance by way of bonus, donation or otherwise shall be Proviso: Such aid to be granted by By-law. given until after the passing of a by-law for the purpose, and
 20 the adoption of such by-law by the rate-payers, as provided in the Railway Act: Provided also that any such by-law to be valid shall be made in conformity with the laws of this Province respecting municipal institutions, and all such by-laws so passed shall be valid, notwithstanding such rate may exceed the
 25 aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not in any case exceed, for all purposes, three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating
 30 such debt.

11. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality, do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which If a portion of Municipality desire to aid Council to pass a by-law.
 35 the property of the petitioners is situated, or in the case of a county municipality, the majority of the reeves and deputy-reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality, and in such petition do define the townships for which they are respectively
 40 reeves and deputy-reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor the council of such
 45 municipality shall pass a by-law:

- (1.) For raising the amount so petitioned for by such free- for issuing de-
bentures
 holders or such reeves and deputy-reeves in such portion of the municipality, payable within twenty years or earlier, and for the payment to the said Company of the amount of the said
 50 bonus or donation at the time and on the terms specified in the said petition:

- (2.) For assessing and levying upon all the ratable property for assessing
and levying
 lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the re-
 55 payment of debentures with the interest thereon, which debentures the municipal councils and the wardens, reeves and other

officers thereof are hereby authorised to execute and issue in such cases respectively :

Proviso by-laws to be approved by electors.

Provided the said by-law shall be approved of, as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Act passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty and chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid. 5

Company may agree to expend Bonus in certain localities.

12. Whenever any municipality or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said Company to enter into a valid agreement with such municipality, binding the said Company to expend the whole or part of such bonus upon works of construction within the limits of the municipality granting the same. 10 15

Bonus to be held by Trustees.

13. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said Company in the making, equipping and completion of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Mayor of the city of London, and the Wardens of the counties of Middlesex, Huron and Bruce, such trustees to be residents of some of the municipalities through which the said railway is to be built ; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council ; Provided also, that the said Mayor and Wardens shall appoint the said trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to the said Mayor and each Warden by mail, at least fourteen days before the day appointed ; and if the said Mayor and Wardens then fail or neglect to name such trustee, the said Company shall be at liberty to name one in the place of the trustee to have been named by the said Mayor and Wardens. 20 25 30 35 40

How Trustees appointed.

Proviso.

Proviso.

Appointment of new Trustees.

14. Any trustee appointed may be removed and a new trustee appointed in his place at any time by the consent of the Lieutenant-Governor in Council a majority of the said wardens, mayor and the said Company. 45

Trusts on which debentures are to be held.

15. The said trustees shall receive the said debentures in trust, firstly, to convert the same into money ; secondly to deposit the amount realized from the sale of such debentures in some of the chartered banks, having an office in the City of London, in the name of "The London Huron and Bruce Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule B. hereto, or to the like effect setting out the portion of the rail- 50 55

way to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer shall be a misdemeanor punishable by fine and imprisonment by any court of competent jurisdiction in the Province of Ontario.

10 **16.** The Act of any two of such trustees shall be as valid and binding as if the three had agreed thereto. Act of two Trustees to be binding.

17. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said Company other than by municipalities shall have been subscribed and ten per cent. thereof paid into some chartered bank, having an office in the City of London (which shall only be drawn therefrom for the use of the Company) the directors shall call a general meeting of the subscribers to such capital stock who shall have so paid up ten per cent. thereof for the purpose of electing directors of the said Company. General meeting when to be called.

18. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per cent thereof so paid up the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are each subscribers for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. How the meeting may be called if the provisional directors neglect to call the same.

19. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the City of London, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week for the space of at least one month, and such meeting shall be held in the City of London, at such place therein and on such day as may be named by such notice. Notice of general meeting.

20. At such general meeting, the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Election of Directors.

21. Such directors shall be chosen from the shareholders, and no person shall be qualified to be elected as such director unless he holds at least ten shares in the capital stock of said Company, and has paid up all calls thereon. Qualification of directors.

22. Thereafter the general annual meetings of the shareholders of the said Company shall be held in such place in the City of London, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs. Annual Meetings. Notice thereof.

Special general meetings.

23. Special general meetings of the shareholders of the said Company may be held at such places in the City of London, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Issue of Bonds by the Company.

24. The Directors of the said Company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose but limited to the terms of this Act, shall have power to issue bonds made or signed by the president or vice-president of the said Company, and countersigned by the secretary and treasurer and under the seal of the said Company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the said company real and personal then existing and at any time thereafter acquired, and each holder of any such bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders of such bonds, upon the undertaking and property of the Company as aforesaid: Provided however that the whole amount of such issue shall not exceed one million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of paid up instalments on its share capital together with the amount of paid-up municipal and other bonuses, and which have been actually expended in the surveys and in works of construction upon the line: And provided also further in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said company all holders of such bonds shall have and possess the same rights privileges and qualifications for directors and for voting as are enjoyed by or attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Mode of issue.

Rights of holders of the bonds at an annual meeting when the interest thereon is unpaid.

Proviso.

Securities may be payable to bearer.

25. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Company may make promissory notes, &c.

26. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the Company and countersigned by the secretary and treasurer of the said Company and under the authority of a quorum of the directors shall be binding on the said Company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or in-

if not intended to be circulated as money.

tended to be circulated as money or as the notes or bills of a bank.

27. Every shareholder of one or more shares of the said Scale of votes. capital stock shall, at any general meeting of the said shareholders, be entitled to one vote for every share so held by him.

28. At all meetings of the Company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed for that purpose by by-law, and such person shall, at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholders shall have been paid up at least one week before the day appointed for such meeting.

How stock held by corporations to be represented.

29. Any meeting of the directors of the said Company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of directors.

30. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per cent. of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said Company.

Ten per cent. to be paid on subscription.

31. Hereafter calls may be made by the directors for the time being as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each subscriber.

Future calls.

32. Whenever it shall be necessary, for the purpose of securing sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

When Company may purchase more land than requisite for stations, &c.

33. The said Railway Company shall, at all times, receive and carry cordwood, or any wood for fuel, at a rate not to exceed, for dry wood two and one half cents per mile per cord for all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile for all stations under fifty miles, in full car loads, and for green wood at the rate of two and one half cents per ton per mile.

Company to carry cordwood at certain rates.

34. The Company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in other freight carried over the said railway.

Traffic in cordwood unrestrained.

35. It shall be lawful for the said Company to enter into an agreement with any other railway company for the use of any portion of such other company's road, line, property, or works in, through or approaching the city of London, or touching any service to be rendered by the one company to the other, and

Company may enter into certain agreements with other Railway Companies.

the compensation therefor, upon such terms as the said companies may agree upon; and any such agreement shall be valid and binding upon the parties thereto, and shall be enforced by a court of law according to the terms and tenor thereof.

Time for commencement and completion of Railway.

36. The said railway shall be commenced within one year, 5 and completed within five years after the passing of this Act, or else the charter shall be forfeited.

SCHEDULE A.

Know all men by these presents that I *(or we insert also the name of the wife or any other person who may be a party)* in consideration of dollars of lawful money of Canada paid to me *(or as the case may be)*, by the London, Huron and Bruce Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said do grant and release or do bar my dower in *(as the case may be)* all that certain parcel *(or those certain parcels, as the case may be,)* of land situate *(describe the land)*, the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said The London, Huron and Bruce Railway Company, their successors and assigns.

As witness my *(or our)* hand and seal *(or hands and seals)* this day of one thousand eight hundred and

Signed, sealed and delivered, in }
presence of }

L. S.

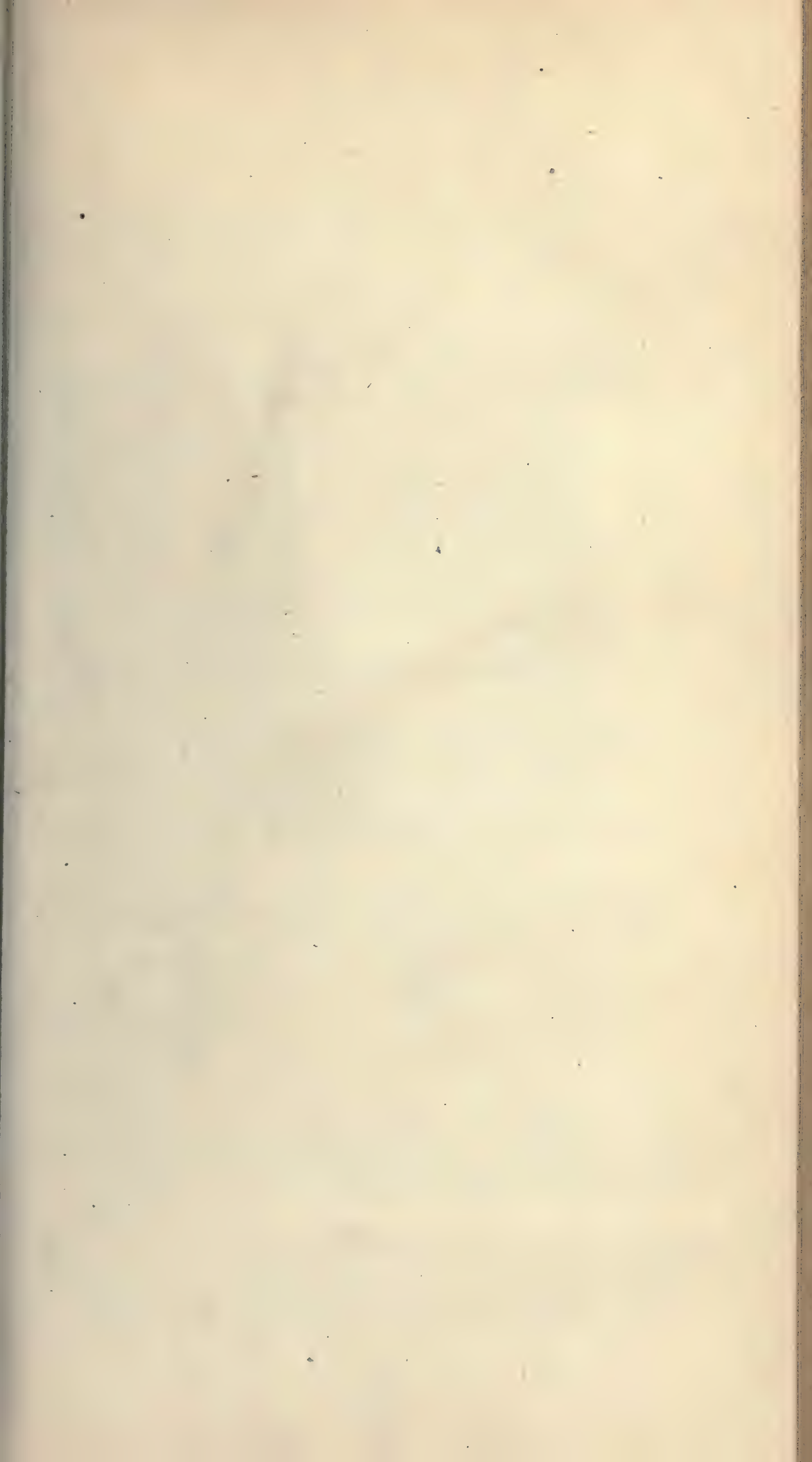
SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The London, Huron and Bruce Railway
Company's Office,
Engineer's Department.
No. London, 187

*Certificate to be attached to cheques drawn on
The London, Huron and Bruce Railway Municipal Trust
Account, and given under sec. of cap Vic.*

I, Chief Engineer for The London, Huron and Bruce Railway Company, do hereby certify that there has been expended in the construction of mile No. *(the said mileage having been numbered consecutively from the boundary of the city of London)*, the sum of dollars, to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due and payable, as provided under said Act.



4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to Incorporate the London, Huron
and Bruce Railway Company.

(*PRIVATE BILL.*)

First Reading, 10th January, 1871.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to Incorporate the Credit Valley Railway Company.

WHEREAS the construction of a railway from a point in or near the village of Orangeville, along or near the valley of the river Credit, to a point in or near the valley of Streetsville, and from thence to a point in or near the city of Toronto, crossing the Humber at or near the village of Lambton, and whereof the main line or a branch shall pass through or near the town of Brampton, and a branch from the village of Streetsville or a point in the vicinity thereof to the village of Milton or a point in its vicinity, has become desirable for the development of the resources of certain portions of the counties of Peel and Halton, and for the public convenience and accommodation of the inhabitants thereof; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** George Laidlaw, C. J. Campbell, Frank Shanly, John Burns, H. P. Dwight, J. S. McMurray, Robert Hay, H. L. Hime, and W. H. Beatty, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby
20 constituted and declared to be a body, corporate and politic, by the name of "The Credit Valley Railway Company."

Incorporation

Name of company.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and
25 also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "land and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer,"
30 "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to
35 be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said company shall have full power under this Act to construct a railway from any point in or near the city of Toronto, crossing the Humber at or near the village of Lambton, to a point in or near the village of Streetsville, and thence along

Location of Railway.

or near the valley of the Credit to a point in or near the village of Orangeville, with power to build the main line or a branch *via* Brampton, and a branch from the village of Streetsville or a point in the vicinity thereof, to the village of Milton or a point in its vicinity, with full power to pass over any portion of 5 the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

Gauge of Railway.

4. The gauge of the said railway shall not be less than three feet six inches. 10

Form of conveyances to Company,

5. Conveyances of lands to the said company for the purposes of, and powers given by this Act made in the form set out in the schedule (Schedule A) hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate, or interest and sufficient 15 bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more 20 than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

How to be registered.

Registration fees.

Provisional directors.

6. From and after the passing of this Act, the said George Laidlaw, C. J. Campbell, Frank Shanly, John Burns, H. P. Dwight, J. S. McMurray, Robert Hay, H. L. Hime, and W. 25 H. Beatty shall be the provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, 30 to associate with themselves thereon, not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the 35 election of other directors as hereinafter provided, and with all such other powers as under the Railway Act, and any other law in force in Ontario are vested in such boards.

Capital stock of Company.

8. The capital of the company hereby incorporated shall be one hundred and forty thousand dollars (with power to increase 40 the same in the manner provided by the Railway Act), to be divided into fourteen hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and 45 discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway and the other 50 purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any city, county, town, township, or village on the line of such works may pay out of the general funds of such municipality

Application of the money raised on the stock.

its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

5 **9.** On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company. Ten per cent. to be paid on subscriptions for shares.

10 **10.** Hereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each subscriber. Future calls.

11. The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding upon the company. Directors may agree to pay certain expenses in stock or bonds.

25 **12.** As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per cent. thereof paid into some chartered bank, having an office in the city of Toronto, (which shall on no account be withdrawn therefrom, unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per cent. thereof, for the purpose of electing directors of the said company. Election of directors.

35 **13.** From the date of the first general meeting hereinafter mentioned, during the construction of the said railway, it shall be lawful for the directors to pay to the shareholders interest at a rate not exceeding seven per cent., on the amount of the stock paid up, the same to be charged against the capital of the company, as and deemed to be, a part of the expense of the construction of the said railway, such interest to be paid half-yearly, from the date of the said first general meeting. Payment of interest on stock during construction of the railway.

14. It shall be lawful for the provisional or elected directors to accept payment in full, for stock, from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip for the full amount of such stock subscribed. Stock may be paid up in full before the final call.

50 **15.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per cent. thereof so paid up, the same may be called by any five of the How meeting may be called if provisional directors neglect to call the same.

subscribers who shall have so paid up ten per cent. and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

16. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one daily newspaper in the city of Toronto, once in each week, for the space of at least four weeks, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice; At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

Power to pass by-laws, &c.

Annual meeting, when and where to be held.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, in the city of Toronto, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and once a week in one daily newspaper published in the city of Toronto.

Notice thereof.

Special general meetings, when and where to be held.

18. Special general meetings of the shareholders of the said company may be held at such places, in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up, at least one week before the day appointed for such meeting.

Only shareholders who have paid up to vote.

Qualification of directors.

20. No person shall be qualified to be elected as such director, by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of directors.

21. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Municipalities may aid the railway.

22. And it shall further be lawful for any Municipality or Municipalities, or any County Municipality or any portion of any such Municipality or Municipalities or County Municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to

the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts.

23. In case the said company shall require a bonus to be granted to them by any Municipality, County Municipality or portion of a Municipality or County Municipality, and do petition the council of such Municipality or County Municipality for a bonus setting out the amount required, which petition may be presented to the council in session, or if the same be not in session, to the Warden, Mayor, Reeve or other head thereof; thereupon such council shall, within six weeks after such presentation thereof, submit a by-law therefor to be voted upon by the ratepayers of such Municipality, County Municipality, or such portion of such Municipality or County Municipality as may be mentioned and defined in such petition.

On petition of company Municipalities to submit a by-law for the approval of the ratepayers.

24. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

If by-law carried by ratepayers the council to pass the by-law,

25. And within one month after the passing of such by-law the said council and the Warden, Mayor, Reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

and issue debentures.

26. In case any bonus be so granted by a portion of a Municipality or County Municipality, the rate to be levied for payment of the debentures issued therefore and the interest thereon shall be assessed and levied upon such portion only of the Municipality or County Municipality.

How rate to be levied.

27. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed, by or for a portion of a Municipality or County Municipality to the same extent as if the same had been passed by or for the whole Municipality or County Municipality.

Provisions of the Municipal Acts to apply to the by-laws.

28. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid (although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.)

By-laws to be valid though the annual rate exceeds two cents in the dollar.

29. Any Municipality which shall grant a bonus of not less than sixty-five thousand dollars in aid of the said company, shall be entitled to name a director in the said Company as the representative of such Municipality; and such directors shall be in addition to all shareholders, directors in the said Company; and shall not require to be a shareholder in the said Company, and shall continue in office as a director in the said Company until his successor shall be appointed by the Municipality which he represents.

Municipalities granting \$35,000 to be represented by a director.

Appointment
of Trustees.

30. Whenever any Municipality shall grant a bonus to aid the said Company in the making, equipping, and completion of the said Railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, the Honorable John 5 McMurrich, Peter Howland, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said Company shall be at liberty to 10 name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Vacancies in
the office of
trustee.

31. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said Company, and 15 in case any trustee die or resign his trust or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said Com- 20 pany.

Act of two
trustees to be
binding.

32. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts upon
which the
debentures
are held.

33. The said Trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in 25 some of the chartered Banks having an office in the City of Toronto in the name of "The Credit Valley Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule B., hereto or to 30 the like effect setting out the portion of the Railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road, to be 35 applied on the work so done and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such Engineer, shall be a misdemeanor punishable by fine and imprisonment by any court of competent jurisdiction in the Province of Ontario. 40

Application of
the bonuses
if the
municipalities
north of
Streetsville
decline to aid.

34. That in the event of one or more of the municipalities lying to the north of Streetsville, declining to grant the required bonus or bonuses, it shall and may be lawful for the trustees to 45 apply all the bonuses from Toronto to Milton, including Toronto and Milton upon the line from Toronto to Milton.

The like in
the case of
municipalities
west of
Streetsville.

35. That in the event of one or more municipalities to the west of Streetsville, declining to grant the required bonus or bonuses, it shall and may be lawful for the trustees to apply all the bonuses granted by any municipality or municipalities from Toronto to Orangeville, including Orangeville and Toronto, 50 upon the line from Toronto to Orangeville. The intention of this Act being that in case of the failure of the grants of bonuses on one line, the other line may be constructed if the bonuses are granted.

36. In case bonuses are granted as required, on both lines, then it shall and may be lawful for the trustees to apply the bonuses *pro rata* over both lines.

Application of bonuses if granted on both lines.

37. Any county in which is or are situated a township or townships, or portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Counties granting bonuses may take the debentures of townships.

38. The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice president, of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken, and considered to be the first and preferential claims, and charges upon the undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of one million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of five dollars for every four of municipal and other bonuses and paid up share capital; And provided also, further, that in the event any time of the interest upon the said bonds remaining unpaid and owing for one year, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges, and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Proviso aggregate of bonds not to exceed \$1,000,000.

Rights of holders of bonds at annual meeting when interest is unpaid.

39. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Securities to be payable to bearer.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the company and countersigned by the Secretary and Treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have

Company may make promissory notes, &c.

Proviso.

the seal of the said company affixed to such promissory note or bill of exchange, or shall the President or Vice-president, or the Secretary and Treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors 5 as herein provided and enacted; Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank. 10

Powers as to lands.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a 15 more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem 20 expedient.

Commencement and completion of Railway.

42. The railway shall be commenced within two years and completed within five years after the passing of this Act, or else the charter shall be forfeited.

Regulations as to the carriage of cordwood.

43. The said Railway Company shall at all times receive 25 and carry cordwood or any wood or fuel at a rate not to exceed for dry wood two and a half cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half 30 cents per ton per mile. The company shall further, at all times, furnish every facility necessary for the free and unresstrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by the Credit Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said Company the receipt whereof is hereby acknowledged do grant and release all that certain parcel (or those certain parcels as the case may be) of land situate (describe the land) the same having been selected and laid out by the said Company for the purposes of this Railway to hold with the appurtenances unto the said the Credit Valley Railway Company their successors and assigns [*here insert any other clauses covenants or conditions required*] And I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As Witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed sealed and delivered
in the presence of

}

L. S.

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Credit Valley Railway
Company's Office,
Engineer's Department,
A.D. 18 .

No.

Certificate to be attached to cheques drawn on the Credit Valley Railway Municipality Trust Account, and given under section of cap. 34 Vtc.

I, Chief Engineer for the Credit Valley Railway, do hereby certify that there has been expended in the construction of Mile No. (the said mileage being numbered, consecutively from the boundary of the City of Toronto) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Accounts amounts to the sum of dollars, which said sum of dollars is now due, and payable as provided under said Act.

BILL.

An Act to Incorporate the Credit Valley
Railway Company.

(PRIVATE BILL.)

First Reading 10th January, 1871.

Hon. M. C. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Glenwood Cemetery Company, of the Town of Picton.

WHEREAS it hath become necessary to establish a public cemetery for the convenience of the inhabitants of the Town of Picton and the vicinity thereof; and the persons hereinafter named have associated themselves together for the purpose of establishing such cemetery, and have prayed that they and their successors be incorporated and divers powers conferred on them for the purpose aforesaid, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Thomas Sarwood, Charles Stuart Wilson, Reuben Jerrold Chapman, Walter Ross, David Barker, David Lockwood Fairfield, Gideon Striker, Robert Werden, Archelus Southard, John Twegg, William Henry Richards Allison, Roderick Roblen, and such others as may in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "the Glenwood Cemetery Company, of the Town of Picton."

2. The capital stock of the said company shall be two thousand five hundred dollars, which shall be divided into shares of twenty-five dollars each, and shall be transferable on the books of the corporation in such manner as the corporation shall by its by-laws direct.

3. It shall be lawful for the said corporation to acquire, take and hold a lot or tract of land within the township of Hallowell, not exceeding fifty acres, and to sell or otherwise dispose of such land in lots, plots or parcels to be used exclusively as a cemetery or place of burial for the dead; Provided always that the deed of sale of any lot, plot or parcel of land in the said cemetery or place of burial shall be in the form given in schedule A annexed; And provided, also, that the real estate of the said corporation and the said lots, plots and parcels when conveyed by the corporation to individual proprietors shall be exempt from assessment and taxation, and shall not be liable to be sold under execution, or be subject to be applied to the payment of debts by any bankrupt, insolvent or other law.

4. All moneys received for or on account of the capital stock in the said company shall be first applied by the said corporation to the payment of the purchase money of the land which may be acquired under this Act; and any residue thereof with at least one-half of the money obtained for sales of lots shall

be applied to improving or embellishing such land as a cemetery or burial ground.

Election of directors.

5. The said company immediately after the passing of this Act, may appoint two or more of their number to receive subscriptions to the said capital stock, and after giving such notice 5 as they deem expedient they shall open one or more books in which the stock shall be subscribed, and when the sum of five hundred dollars or more shall have been subscribed, call a meeting of the subscribers to elect from among the stockholders 10 five directors, and such election shall be made by such stockholders at such time and place as the parties who have been appointed to open the books of stock subscriptions shall direct, each share subscribed, represented in person or by proxy, 15 entitling the stockholder owning it to one vote. The chairman and secretary of such meeting shall certify under their hands the names of the persons elected directors, and shall hand over to them the books, papers, moneys and other effects of the corporation which may be in their hands. The directors then 20 chosen, shall fix the time and place of the next meeting, and a new election of five directors shall thenceforth be elected annually, on the same day of the week in the same month as such first election may be made, on the directors in office fixing the day and calling the meeting accordingly.

Powers of directors.

6. The directors or a majority of them, are authorized to receive subscriptions for the remainder of the stock not then 25 subscribed, and to call in the payment for the same by such instalments and at such times as they shall deem fit, giving at least fifteen days notice, in some public newspaper published in the Town of Picton, of such times of payment and the amount of the call or instalment required, and shall manage 30 and control all the affairs of the said corporation until the capital stock be extinguished and a board of trustees appointed as hereinafter provided.

Original stockholders may surrender their stock.

7. Whenever the original stockholders in the said corporation shall have been reimbursed, either by sale to them 35 of lots in the said cemetery or otherwise, in the amount of stock originally taken and paid for by them with interest at seven per centum per annum or earlier, the said stockholders may if they see fit surrender and extinguish their stock in such manner as the board of directors shall prescribe; and all persons 40 who then or thereafter shall be or become proprietors of lots, plots or parcels conveyed to them or their predecessors in title by the said corporation, shall become and be members of the said body corporate.

Persons holding lots to be members of the corporation.

Appointment of trustees.

8. The estate, property and affairs of the said corporation shall, after the said capital stock is extinguished, be 45 managed by five trustees chosen from the proprietors of lots, plots or parcels in the said cemetery grounds, a majority of whom shall constitute a quorum capable of doing business; the persons constituting the board of directors at the time of the 50 extinguishment of the said capital stock shall constitute the first board of trustees and shall remain in office until the election of a new board; the proprietors of lots shall elect from themselves five trustees on the first Monday in April in every year, to hold office until in like manner their successors shall be 55 elected; at least eight days notice shall be given of the time

and place when the elections are to be held in some newspaper published in the Town of Picton, and the elections shall be by ballot, each lot containing one hundred superficial square feet shall entitle the proprietor thereof to one vote, and such vote may be given in person or by proxy; the trustees may fill any vacancy from among the proprietors of lots, should any occur during the year of office by death, resignation or removal out of the Province of Ontario; the annual meeting of proprietors shall be held on the first Monday in April in every year, when the trustees going out of office shall make a full report of the management, condition and fiscal concerns of the corporation.

Scale of votes.
Vacancies.

Annual meeting and report.

9. It shall be lawful for the said corporation to appoint such officers and servants of the corporation as they shall think expedient, to make and frame by-laws for the government and control of the said officers and servants, and also to make and frame all other by-laws, rules and regulations for the management of the business of the corporation in all particulars and details, whether herein specially enumerated or not, and the same at any time to repeal, alter, amend or modify; Provided that no such by-laws shall be inconsistent with the provisions of this Act, and any copy of the said by-laws certified by the clerk or secretary, and under the seal of the said corporation, shall be received as *prima facie* evidence of such by-laws in all courts in this Province.

Corporation may appoint officers and make by-laws, etc.

10. All lots, plots or parcels when conveyed and designated as lots by the said corporation shall be indivisible, but may be owned and held in undivided shares; one-half of the proceeds of all sales shall be applied towards the payment of the purchase money of the land acquired by the corporation and the interest accrued or accruing thereon, and the residue shall be applied in improving and embellishing the said land as a cemetery establishment; and after payment of such purchase money and the interest thereon, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the said cemetery and incidental expenses thereof, and to no other purpose whatever.

Lots, how to be held and application of the proceeds of sales.

11. That any person who shall wilfully destroy, deface, injure or remove any monument, tomb, grave stone, or other structure, placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of the said cemetery, or of any tomb, monument, grave-stone or other structure aforesaid, or any plot of ground within the said cemetery; or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the said cemetery, or play at any game or sport, or discharge fire-arms (save at a military funeral) in the said cemetery, or shall wilfully disturb any persons assembled for the purpose of burying any body therein, or who shall commit any nuisance in the aforesaid cemetery, shall be guilty of a misdemeanor, and may, upon conviction before a justice of the peace or other competent authority, be fined any sum not less than two dollars nor more than fifty dollars; and in default of payment of such fine and the costs attending such conviction, such person may be committed to gaol for any period not less than six days nor more than three months, and may also be sued by the corporation for any such trespass, whether committed in a private lot or otherwise, and in any case in which the corporation is a party, any member thereof

Injuring, etc., the cemetery.

Application of penalties. may be a competent witness. All penalties and judgments recovered, except the costs, when received by the directors, shall be applied, under their direction, towards the reparation or reconstruction of the property destroyed or injured, and if there should be any overplus, it shall be applied as other moneys arising from the sale of lots, as hereinbefore provided. 5

Company to make regulations regarding burials, etc. 12. The said corporation shall make regulations for insuring that all burials within the said cemetery are conducted in a decent and solemn manner; they shall not allow any body to be buried in any vault under any chapel or other building in the 10 said cemetery, or within fifteen feet of the outer wall of any such chapel or other building; every part of the said cemetery shall be enclosed by walls, or other sufficient fences or railings; and they shall keep the said cemetery, and the buildings and fences thereof, in complete repair and in good order and condition, out of the moneys to be received by them by virtue of this Act. 15

Sewers and drains. 13. The said corporation shall make all proper and necessary sewers and drains in and about the said cemetery, for draining it and keeping it dry, and they may from time to time, 20 as occasion requires, cause any such sewer or drain to open into any existing drain or sewer, with the consent in writing of the owners or occupiers of the land through which opening is made.

Gifts, devises, etc., to company. 14. That it shall be lawful for the said corporation to take 25 and hold by donation, grant or devise, or bequest of property, upon trust not exceeding in value the sum of two thousand dollars, and to sell, exchange or dispose of the same, and to apply the proceeds or income thereof to the improvement or embellishment of the cemetery, or of any lot or lots therein. 30

Seal. 15. The said corporation may have a common corporate seal, and may by resolution or by-law from time to time change or alter the same, and all deeds and conveyances made by the said corporation shall be sealed therewith.

Liability of directors. 16. The directors shall be individually and personally liable 35 for all debts contracted by them on account of the said cemetery, beyond the moneys on hand or available to meet the payment for which the debt was contracted; but they may issue scrip for lots or plots in payment of any contract for work done in the cemetery, pursuant to any agreement in writing to that 40 effect, and the said scrip shall be transferable by assignment.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS that the Glenwood Cemetery Company, of the Town of Picton, in consideration of the sum of _____ dollars, paid to them by A. B., of the town of _____, the receipt whereof is hereby acknowledged, do grant unto the said A. B., heirs and assigns, that lot of land in the said cemetery of the said company, called Glenwood, and situated on lot number twenty-three, in the third concession of the military tract in the Township of Hallowell,

in the County of Prince Edward, containing by admeasurement superficial feet (describe the lot), to have and to hold the abovenamed premises hereby granted unto the said heirs and assigns, for a burial ground, forever.

In witness whereof the said Glenwood Cemetery Company have caused their corporate seal to be hereunto affixed, the day of _____, in the year of our Lord one thousand eight hundred and _____

Witness :

[L.S.] _____ Secretary. _____ President.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Glenwood Cemetery Company, of the Town of Picton.

(*PRIVATE BILL.*)

First Reading, 10th Jan., 1871.

MR. ANDERSON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to Incorporate the "Simpson Loom Company"
(Limited).

WHEREAS one Charles Graham Chappell Simpson, of the City of Montreal, in the Province of Quebec, mechanical engineer, claiming and representing himself to be the original inventor of certain new and useful improvements on Knitting Machines for causing them to work with less friction, to be called or known as "Simpson's Knitting Machine," and being desirous of obtaining letters patent to be issued to him, securing him within the Dominion of Canada the benefits of the said invention, did for that purpose duly deposit in the office of the Minister of Agriculture, in pursuance of the provisions of the Statute of the Dominion of Canada, intituled, "An Act respecting Patents of Invention," a full description and specification and drawing of the said invention; And whereas by letters patent under the great seal of the Dominion of Canada, dated the thirty-first day of October, in the year of our Lord one thousand eight hundred and seventy, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used the said invention, were granted to the said Charles Graham Chappell Simpson and his lawful representatives and assigns for the term of five years from the date of such letters patent; And whereas, by an indenture bearing date the ninth day of November, in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Graham Chappell Simpson and one William Henry Abel hereinafter named, it is witnessed that, for the consideration therein mentioned, the said Charles Graham Chappell Simpson did sell, assign, transfer and set over unto the said William Henry Abel all the right, title and interest of the said Charles Graham Chappell Simpson in the one undivided half part of the said invention, and in the said letters patent securing the same to have, hold, possess and enjoy the same unto the said William Henry Abel and his assigns, for the full end and term for which the said letters patent were granted, and for the term of any extension thereof; And whereas, by an indenture bearing date the said ninth day of November, in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Graham Chappell Simpson and one Henry William Boardman hereinafter mentioned, it is witnessed that, for the consideration therein mentioned, the said Charles Graham Chappell Simpson did sell, assign, transfer and set over unto the said Henry William Boardman all the right, title and interest of the said Charles Graham Chappell Simpson in the other one undivided half part of the said invention, and in the letters patent securing the same to have, hold, possess and enjoy the same unto the said Henry William Boardman and his assigns, for the full end and term for which the said letters

Preamble.

Indenture,
9th Nov. 1870.Indenture,
9th Nov. 1870.

Indenture,
16th Dec. 1870.

patent were granted, and for the term of any extension thereof; And whereas, by a further indenture bearing date the sixteenth day of December, one thousand eight hundred and seventy, and made between the said William Henry Abel and Henry William Boardman of the first part and William Barber, Robert Barber, Richard Hurst, and the said William Henry Abel and Henry William Boardman, and Charles Albert Shaw, William Alonzo White, John Garvin, R. G. Trotter, Joseph Simpson, David Morrice, John Turner, William Myers, Luther Cheyne, James Crombie, Thomas Henry Ince, Frederick William Coate, J. S. Playfair, Alexander Fraser, George F. Bostwick and John Fiske of the second part, it is witnessed that, for the consideration therein mentioned, the said William Henry Abel and Henry William Boardman did assign, transfer and set over to the said last named parties, their administrators and assigns, the said invention and the said letters patent (excepting the shares by them, the said William Henry Abel and Henry William Boardman, retained in and for the Provinces of Ontario and Quebec, and every benefit profit and advantage thereto appertaining), to have and to hold the same unto the said parties for the term for which the said letters patent are granted, and any extension thereof, in the following proportions or shares, namely: the said William Barber five hundredth parts, the said Robert Barber five hundredth parts, the said Richard Hurst two hundredth parts, the said William Alonzo White two hundredth parts, the said John Garvin two hundredth parts, the said Robert Godall Trotter one hundredth part, the said Joseph Simpson two hundredth parts, David Morrice two hundredth parts, John Turner four hundredth parts, Charles Albert Shaw twelve hundredth parts, William Henry Abel twelve hundredth parts, Henry William Boardman twelve hundredth parts, William Myers two hundredth parts, Luther Cheyne one hundredth part, James Crombie ten hundredth parts, Thomas Henry Ince ten hundredth parts, Frederick William Coate two hundredth parts, John Spiers Playfair five hundredth parts, Alexander Fraser five hundredth parts, George F. Bostwick two hundredth parts and John Fiske two hundredth parts; And whereas by an indenture, bearing date the twentieth day

Indenture,
20th Dec. 1870.

of December, in the year of our Lord one thousand eight hundred and seventy, and made between the said William Henry Abel, Charles Albert Shaw, Henry William Boardman and the said William Barber, it is witnessed that, for the consideration therein mentioned, the said William Henry Abel, Charles Albert Shaw and Henry William Boardman did assign, transfer and set over unto the said William Barber all their right, title and interest to fourteen one hundredth parts of the said invention and the said letters patent, securing the same for, to and in the said Provinces of Ontario and Quebec, to have and to hold, possess and enjoy the same unto the said William Barber and his assigns, as fully and effectually as the same were enjoyed by the said William Henry Abel, Charles Albert Shaw and Henry William Boardman; And whereas by an indenture,

Indenture,
21st Dec. 1870.

bearing date the twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Albert Shaw, William Henry Abel and Henry William Boardman and one Frederick Augustus Ball hereinafter named, it is witnessed that, for the consideration therein mentioned, the said Charles Albert Shaw, William Henry Abel and Henry William Boardman did assign, transfer and set over unto the said Frederick Augustus Ball all their

right, title and interest to two one hundredth parts of the said invention and the said letters patent, securing the same for, to and in the said Provinces of Ontario and Quebec, to have, hold, possess and enjoy the same unto the said Frederick Augustus Ball and his assigns as fully and effectually as the same were enjoyed by the said Charles Albert Shaw, William Henry Abel and Henry William Boardman; And whereas, by an indenture, bearing date the nineteenth day of December, in the year of our Lord one thousand eight hundred and seventy, and made between the said Charles Albert Shaw, William Henry Abel and Henry William Boardman and one Robert Thompson hereinafter named, it is witnessed that, for the consideration therein mentioned, the said Charles Albert Shaw, William Henry Abel and Henry William Boardman did assign, transfer and set over unto the said Robert Thompson all their right, title and interest to sixteen one hundredth parts of the said invention and the said letters patent, securing the same for, to and in the said Provinces of Ontario and Quebec, to have, hold, possess and enjoy the same unto the said Robert Thompson and his assigns as fully and effectually as the same were enjoyed by the said Charles Albert Shaw, William Henry Abel and Henry William Boardman; And whereas the said William Henry Abel, Henry William Boardman, Charles Albert Shaw, William Barber, Robert Barber, James Crombie, Thomas Henry Ince, John Spiers Playfair, Alexander Fraser, John Turner, Richard Hurst, William Alonzo White, John Garvin, Joseph Simpson, David Morrice, George Ferrier Bostwick, John Fiskien, Robert Godall Trotter, Luther Cheyne, William Myers, Frederick Augustus Ball, Robert Thompson and Frederick William Coate, by an indenture executed by and under their respective hands and seals, and bearing date the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and seventy, have mutually agreed between themselves and with each other to form themselves into a Company, and for that purpose to apply to the Legislature of the Province of Ontario for a special Act incorporating them as a Company, for the purpose of manufacturing, selling and buying Simpson's Knitting Machines, in the manner and after the plan contemplated by the said letters patent, and of working the same, and of making cloth and other fabrics thereby, and of selling the said cloth and fabrics and of vending, and vending to others to be used the said invention and the said patent rights, and of working thereunder as may appear to be desirable and advantageous; And whereas for that purpose they have agreed to subscribe and have subscribed among themselves the capital sum of sixty thousand dollars, divided into six hundred shares of one hundred dollars each, which are by the said indenture appropriated among the several parties thereto in certain shares therein mentioned, that is to say, ratably according to the respective amounts by them subscribed for, under the said indenture, towards the raising and taking up the said sum of sixty thousand dollars, five-sixths of which shall not be liable to any call but shall be deemed to be fully paid-up shares, the same being taken and accepted by the said parties as payment of the sum of fifty thousand dollars agreed to be paid to them for the assignment by them to the said Company of the said letters patent and the said privileges thereby granted; And whereas it was by the said last mentioned indenture provided and agreed, that the said several parties thereto should pay the respective sums by them subscribed towards raising the sum of ten thousand dollars, balance of the

Indenture,
19th Dec. 1870.

Indenture,
24th Dec., 1870

Indenture,
24th Dec. 1870.

said capital stock of sixty thousand dollars, in the manner following, that is to say: the sum of one thousand dollars in proportion to their said subscriptions as and when the same shall be called for by the said Frederick William Coate hereinafter named as trustee, and the balance or sum of nine thousand dollars at the times and in the manner provided for in this Act; 5
And whereas it was by the said last recited indenture provided that if the said proposed company should be duly incorporated before the whole of the said instalments of one thousand dollars should be paid in the manner by the said recited indenture, 10 provided the same, or such as should then remain unpaid, should be paid and payable to the said company within one week after the complete constitution and formation of the said company as a corporation, and that the balance of the said sum of ten thousand dollars, being the sum of nine thousand dollars, should be 15 payable and paid to the said company as and when this Act should direct; And whereas by another indenture bearing even date with the said last recited indenture, the said parties other than the said Frederick William Coate did grant, bargain, sell, assign and transfer unto the said Frederick William Coate, of 20 the City of Toronto, auctioneer, his executors, administrators and assigns, all those the said invention and letters patent within the said Provinces of Ontario and Quebec, and the full and exclusive benefit and advantage thereof, and all extensions of such letters patent or other privileges for or in respect of the 25 said invention, and all rights, authorities, privileges, advantages, profits, emoluments and benefits of the said invention, letters patent and premises, or any of them, in anywise appertaining or belonging, and all the right, title, interest, term and terms of years' benefit, property, advantage, claim and demand whatsoever of the said last mentioned parties in, to or upon the said 30 invention, letters patent and premises, or any of them; to have, hold, exercise and enjoy the said invention and the letters patent and premises within the Provinces of Ontario and Quebec, unto and by the said Frederick William Coate, his executors, 35 administrators and assigns, upon trust however to and for the absolute use and benefit of the several parties to the said recited indentures, bearing date the said twenty-fourth day of December, one thousand eight hundred and seventy, according to the shares and interest therein expressed, until the formation by the said 40 several and respective parties of a company to be constituted by an Act of Parliament, for working under the said letters patent and for other purposes, and after the constitution and formation of such company then upon trust for the absolute use and benefit of such company, their successors and assigns, and upon trust 45 to assign and transfer the same unto and to the use of such company, their successors and assigns; And whereas the said several parties to the said recited indentures, of the said twenty-fourth day of December, one thousand eight hundred and seventy, have paid respectively five-sixth parts of the sum payable for 50 each and every share by them respectively subscribed towards raising the said sum of sixty thousand dollars, and in pursuance of the provisions in the said recited indentures in that behalf contained; And whereas the said indentures, bearing date the said twenty-fourth day of December, one thousand eight hundred 55 and seventy, provided for the purpose of enabling the company (when formed) to fulfil the objects of the said indentures, that this Act should give the said company power to increase the said capital stock; And whereas the said several parties to the said indentures, bearing date the said twenty-fourth day of 60

December, one thousand eight hundred and seventy, being the parties hereinafter named, have by their petition represented and satisfactorily established and proved the several matters and things above recited, and have prayed that they may be incorporated for the purposes by the said recited indentures contemplated and hereinafter contained, and it is expedient that such prayer be granted: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:

10 **1.** William Henry Abel, Henry William Boardman, Charles Albert Shaw, William Barber, Robert Barber, James Crombie, Thomas Henry Ince, John Spiers Playfair, Alexander Fraser, John Turner, Richard Hurst, William Alonzo White, John Garvin, Joseph Simpson, David Morrice, George Ferrier Bost-
 15 wick, John Fiske, Robert Godall Trotter, Luther Cheyne, William Myers, Frederick Augustus Ball, Robert Thompson and Frederick William Coate, the several and respective parties to the said recited indentures of the said twenty-fourth day of December, one thousand eight hundred and seventy, together
 20 with all such other persons as shall, under the provisions of this Act, become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Simpson Loom Company (Limited)."

Certain persons incorporated.

Corporate name.

25 **2.** By virtue of this Act the said company shall become possessed of, and shall and may hold and enjoy to their own use and benefit, the sole and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention mentioned in the said recited letters patent
 30 bearing date the thirty-first day of October, in the year of our Lord one thousand eight hundred and seventy, granted to the said Charles Graham Chappell Simpson, and so as aforesaid assigned to the said Frederick William Coate in trust for the said company when incorporated, and in virtue thereof shall
 35 and may to their exclusive use, until the expiration of the term by the said letters patent granted, and any extension thereof which may hereafter be granted, make and construct and sell and buy the aforesaid Simpson's knitting machines in the manner and after the plan contemplated by the said letters
 40 patent, and make cloth and other fabrics thereby, and sell the said cloth and fabrics, and may vend and license to others to be used the said invention and the said patent rights, and may work thereunder as may appear to be desirable and advantageous, and shall and may acquire and hold by purchase,
 45 lease or other legal title such lands and tenements not exceeding five thousand acres at any one place, and may construct, maintain, erect and keep such buildings, erections and other improvements thereon, and from time to time sell and dispose of the same and acquire others in their stead, as the company
 50 shall find to be for its advantage, or convenient or necessary for the purpose of constructing and making the several works, articles, improvements and things by the said letters patent contemplated to be constructed and made by the use of the said inventions thereby patented, and may vend all such works,
 55 articles, improvements and things to their own exclusive use during the term of such letters patent granted, or during any extension thereof, and may empower others to vend within such limits as the company may from time to time prescribe or

Company may hold and enjoy certain patent rights.

Power to hold lands.

Provided

agree upon, the works, articles and things to be so constructed by the company, and may grant, bargain, sell, assign and transfer to others the whole or such part of the privileges by such letters patent granted, as to the company shall from time to time seem fit, and may make, contract, do and execute all such other general work as to the company shall seem fit; 5
Provided that this Act shall not confer any other or greater rights or privileges than are conferred by the said letters patent herein recited, under the general Patent Law of the Dominion of Canada. 10

Capital stock to be \$60,000, in shares of \$100.

3. The original capital stock of the company shall be the sum of sixty thousand dollars, divided into six hundred shares of one hundred dollars each, but the directors of the company, if they see fit at any time after the whole of the said original capital stock shall have been allotted, and so from time to time 15
after all the previously authorized capital stock shall have been allotted, may make a by-law, and from time to time by-laws, for increasing the capital stock of the company to an amount not exceeding five hundred thousand dollars, but no such by-law shall have any force or effect whatever until after it shall have 20
been sanctioned by a vote representing not less than two-thirds the amount, held by all the shareholders attending in person or by proxy at an annual general meeting of the company, or at a general meeting of the company, duly called for the purpose of considering such by-law. 25

By-laws for increasing capital stock.

4. Every by-law for increasing the capital stock of the company shall declare the number and value of the shares of the new stock, and shall prescribe the manner in which the same shall be allotted and paid in, or in default thereof the control of such allotment shall be held to vest absolutely in the directors of the company, who may allot such stock in such amounts to such persons and in such manner, and from time to time make such calls upon such stock as to the said directors shall seem fit. 30

Instalments due upon original stock to be paid to sureties;

5. The balance (if any) remaining unpaid of the aforementioned instalment of one thousand dollars, part of the said capital stock of the company, by the said hereinbefore recited indentures of the twenty-fourth day of December, one thousand eight hundred and seventy, declared to be payable to the said Frederick William Coate, as such trustee as aforesaid, shall be 40
payable and be paid to the directors of the said company within one week after the complete formation of the said company by the several parties liable to pay the same, and the sum of nine thousand dollars, balance of the said capital stock of the company, by the said indentures, bearing date the twenty-fourth 45
day of December, one thousand eight hundred and seventy, declared to be payable as this Act shall direct, shall be payable and be paid by the parties liable to pay the same at the times in the sums and manner as the directors for the time being shall direct, and upon the arrival of such respective days as provided 50
in this Act for the payment of the balance of the said instalment of one thousand dollars, and as the directors shall direct, for the payment of the said instalment of nine thousand dollars, the said instalments shall become payable, and shall be paid to the directors of the company by the respective parties 55
liable to pay any such instalments, both of the said sum of one thousand dollars and the said sum of nine thousand dollars,

in default of payment same may be enforced by action.

parts or instalments of the said capital stock, or in default thereof the company may enforce payment thereof, with interest thereon at the rate of six per centum per annum from the said respective days, by action in any competent court, and in
 5 such action it shall be sufficient to allege or declare that the defendant is the holder of one or more of the original shares or the company (stating the number of shares), and that he is indebted to the company in respect of such shares in the amount sought to be recovered, for instalments which became payable
 10 in the manner and at the times herein in that behalf provided for the payment thereof and interest thereon, whereby an action hath accrued to the company to recover the said amounts or amount with interest, and a certificate under the seal of the company, purporting to be signed by any officer of the company,
 15 to the effect that the defendant is an original shareholder of the company, and that he is indebted in an amount in the said certificate to be named in respect of the instalments upon the original shares held by him in the capital stock of the company, payable as aforesaid, together with interest on such instalments
 20 from said respective dates, shall be received in all courts of law as *prima facie* evidence of the company's right to recover in such action.

6. Subject to such alteration and provision as shall or may be made by any by-law of the company at any time hereafter
 25 to be passed, the affairs of the company shall be administered by a board of not less than three or more than nine directors, being severally the holders of at least one thousand dollars in the capital stock of the company, and not in arrears to the company for any instalment payable or call made in respect of any
 30 stock held by them in the company; such directors shall be elected annually, upon the first Monday in December in each year, or such other day as shall be appointed by by-law for holding the annual general meetings of the company, and unless and until otherwise provided by by-law all the directors
 35 shall retire annually, but if otherwise qualified may always be re-elected, and three directors, unless and until otherwise provided by by-law, shall form a quorum of the board, and in case of the death, resignation or disqualification of any director, the continuing directors, if they see fit, may fill the vacancy until
 40 the next annual meeting by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose, and except in the case of death, resignation or disqualification,
 45 all directors shall remain in office until their successors shall be appointed.

Board of directors to consist of not less than three nor more than nine.

Directors to be elected annually.

Quorum.

Vacancies in board, how filled.

7. The said William Barber, James Crombie, Thomas Henry Ince, John Spiers Playfair, John Turner, John Fiskien and John Garvin shall be and are hereby declared to be the first directors
 50 of the company, and they shall continue in office until the election of directors shall be had under this Act, and while directors shall have and exercise all the powers by this Act vested in directors of the company.

First board of directors.

their powers.

8. The directors of the company shall have full power in all
 55 things to administer the affairs of the company, and to make or cause to be made for the company any purchase and any description of contract which the company may by law make

Power of rectors.

May make
by-laws.

or enter into, and may from time to time make by-laws, not contrary to law and not inconsistent with or repugnant to anything in this Act contained, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the constitution of the board of directors, the number of Directors, their term of service and mode of retiring, the amount of their stock qualification, the appointment, functions, duties and removal of directors and all agents, officers and servants of the company, the security to be given by any agents, officers or servants of the company, their remuneration and that (if any) of the directors by by-law, subject to the approval of the shareholders at a general or special meeting, the time and place for holding the annual general meetings of the company, the places or place where the business of the company shall be conducted and the place where the principal office or seat of business shall from time to time be held and established, the call of meetings, general and special, of the board of directors and of the company, the quorum, the requirements as to proxies and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulating by by-law, and the conduct in all other particulars of the affairs of the company; and vary from time to time repeal, amend or re-enact such by-law, and every repeal amendment or enactment thereof, unless in the meantime confirmed at a general meeting of the company specially called for the purpose, shall only have force until the next annual meeting of the company, and in default of confirmation the Act shall from that time only cease to have force, and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts as *prima facie* evidence of such by-law.

Stock to be
personal estate

9. The stock of the company shall be deemed personal estate and shall be transferable in such manner only, and subject to all such conditions and restrictions, as by the by-law of the company shall be prescribed.

Calls.

10. The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as the by-laws of the company require or allow, and interest at the rate of six per centum per annum shall accrue and fall due upon the amount of any unpaid call from the day appointed for the payment of such calls.

Payment of
calls—how enforced.

11. The company may enforce payment of all calls and interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the instalments or calls in arrears amount in respect of the said instalment, or one call or more upon one share or more, stating the amount and number of such instalment or instalments and the manner of calls, and the amount of each whereby an action hath accrued to the company to recover the amount of the instalments or calls sued for with interest, and a certificate under the seal of the company,

and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, and that an amount, named in such certificate, is due by him and unpaid thereon, shall be received in all courts of law or equity as *prima facie* evidence to that effect.

12. If after such demand or notice, as by the by-laws of the company may be prescribed, any instalment or call payable under this Act, or any call hereafter to be made, or any share or shares, be not paid within the time prescribed by this Act for the payment thereof, or such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect reciting the facts and duly recorded in the minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by any by-law in that behalf may be provided, or in the absence of such by-law, as the directors shall think fit and direct.

Directors may forfeit stock for non-payment of calls.

13. No shareholder being in arrear in respect of any instalment or call, shall be entitled to vote at any meeting of the company, or shall be eligible as a director thereof.

Shareholders in arrear not eligible as directors.

14. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand, or of his legal personal representative, in the books of the company, shall be a discharge of the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to the execution of trusts in respect of any shares.

15. Shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders.

16. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any director, agent, officer or servant of the company in accordance with their powers as such under the by-laws of the company, shall be binding upon the company, and it shall not be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, nor shall such director, officer, agent or servant thereby become individually liable to any third party therefor, but it shall not be lawful or competent for the said company to issue any note intended to circulate as money.

May make promissory notes and bills of exchange under by-laws.

17. The several covenants contained in the hereinbefore recited indentures bearing date the twenty-fourth day of December, one thousand eight hundred and seventy, appointing the said Frederick William Coate trustee as aforesaid, shall respectively enure to the benefit of and be binding upon the said

Covenants contained in the indentures recited in the preamble confirmed and made binding.

The company
may sue and
be sued.

Trustee there-
under released
from any fur-
ther liability.

Company
liable for debts
entered into
before the
passing of this
Act.

Contracts
entered into by
the trustee
under the said
indenture
binding on the
company.

company, and from henceforth the same shall be treated as if the said company had been incorporated at the time of the execution of the said indenture, and as if the covenants therein respectively contained had respectively been made with and by the said company, and as if the said company were the parties thereto in the place and stead of the said trustee, Frederick William Coate; and the said company may hereafter sue and be sued in respect of any such covenants as if the said company were parties to the said indenture in the place and stead of the said Frederick William Coate, and in any action, suit or proceeding at law, or in equity, which shall hereafter be instituted by or against the said company in respect of any of such covenants, or for any breach thereof, it shall be sufficient to declare and allege that the said covenants respectively were made with or by the said company, and the production or other legal evidence of the said indenture appointing the said Frederick William Coate trustee as aforesaid, shall be evidence thereof for and against the said company; and the said Frederick William Coate is hereby released from all actions, causes of actions, suits, claims or demands whatsoever to be brought against him personally, for any breach of the said respective covenants made by him in his capacity of trustee aforesaid, and to any action or suit if any shall be brought against him or his personal representatives for any matter other than the recovery of his subscriptions of stock, the defendant or defendants of such action may plead a release by the plaintiff of such action and suit in bar thereof, and may give this Act in evidence thereof: Provided always that both the said company and the said trustee shall be and continue liable for all debts, contracts and engagements now existing, or which may have been entered into before the passing of this Act, but the said trustee shall be indemnified by the said company for any liabilities incurred by him in respect thereof.

18. All contract made and entered into by and with the said Frederick William Coate under the provisions of the said recited indenture bearing date the twenty-fourth day of December, one thousand eight hundred and seventy, appointing the said Frederick William Coate such trustee as aforesaid, in furtherance of the objects of that indenture, shall enure to the benefit and be binding upon the said company, and the said company shall sue and be sued upon or in respect of any such contract as if the said company had been incorporated at the time of such contract being entered into, and as if the same respectively had been made and entered into by and between the said company.

BILL.

An Act to Incorporate the "Simpson
Company (Limited).

(PRIVATE BILL.)

First Reading, 10th January, 187

Hon. Mr. CAMERON

No. 61.]¹

BILL.

[1871.]

An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway, and to extend the time for completing the same.

WHEREAS the Wellington, Grey and Bruce Railway Preamble.

Company have, by their petition set forth that by their Act of Incorporation they are empowered to construct a line of railway from the town of Guelph to the village of Southampton or other point on Lake Huron, with a branch to the town of Owen Sound, in the county of Grey, and that a portion of their railway from Guelph to Alma has been completed, and a large portion thereof beyond that point is under contract and in course of construction, but that it will not be possible to complete the whole of the railway so authorized to be constructed within the term by their said charter limited; and they have therefore prayed for an extension of the said period and for certain amendments to the said charter, and it is expedient to grant the prayer of such petition; And whereas a lease and agreement have been entered into between the said company and the Great Western Railway Company for the leasing and working of the said line whereby the last-mentioned company are bound to equip, maintain, and work the said railway and the several sections thereof as the same are completed and ready for traffic, yielding and paying as a rental therefor to the said Wellington, Grey and Bruce Railway Company thirty per cent. of the gross traffic derived therefrom, and also twenty per cent. of the traffic interchanged between the two companies as a fund for the acquisition of the bonds of the company issued under the borrowing powers of the company referred to in said lease and agreement, and in a supplementary agreement between the same parties, and the petitioners have represented that certain of the said bonds have been issued as contemplated by the said lease and agreements, and that it is desirable to limit the issue of such bonds under the borrowing powers aforesaid as hereinafter is provided, and to make certain other amendments to the said charter; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the seventh section of the Act incorporating the company as requires the said railway to be completed within seven years from the passing of the said Act is hereby repealed, and the time for such completion is extended for a further period of three years from the time limited in the said Act.

Time for completing the railway extended.

2. The sixth section of the Act passed in the thirty-first year of Her Majesty's reign, intituled "An Act to amend the Act incorporating the Wellington, Grey and Bruce Railway

31 Vic. c. 13, s. 6, repealed.

Certain bonds,
&c., to be a
first charge.

Restriction
and power as
to issuing
bonds, &c.

Company," is hereby repealed, but such repeal shall not invalidate or affect any of the said bonds or debentures issued thereunder; and it is hereby enacted that the bonds or debentures which the company may issue under the borrowing powers which shall with those already issued be a first charge under the mortgage referred to in the said lease and agreements with the Great Western Railway Company shall not exceed in the whole, with those already issued, twelve thousand dollars for each mile of the railway by the said recited Acts or this Act authorized to be constructed and which shall be actually completed and worked by the Great Western Railway Company, sidings being for this purpose computed and considered in such mileage as well as and in addition to the main line of the railway; And it shall and may be lawful for the said Company to issue such bonds to the extent aforesaid for each mile of the said railway actually contracted for and under construction at the time of such issue, provided that the amount of such issue shall not at any time be in excess of the amount actually expended in surveys, purchase of right of way, and in works of construction upon the line of the said railway, or materials actually purchased and delivered to the company within the Dominion of Canada.

Bonds and debentures of the Railway, how to be issued and assigned.

3. All bonds or debentures issued by the company shall be signed by the president or vice-president and countersigned by the secretary, and all such bonds or debentures now issued or hereafter to be issued, shall be assignable at law by delivery, and may be sued on, or enforced, by the several bearers or owners, in their own names.

On the completion of each section a certificate to be filed with the Trustees.

4. As each section shall be completed it shall be the duty of the company to file with the trustees named in the mortgage a certificate under the hands of the president and secretary, and countersigned by the chief engineer of the company, shewing the number of miles of road completed and accepted by the Great Western Railway Company, and the amount of such bonds issued as aforesaid; and a duplicate of such certificate shall be preserved in the office of the Company for the inspection of any person desirous of seeing the same.

Municipalities through which the railway passes may exempt the railway from taxation.

5. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition, for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient.

Power to extend the railway to Kincardine.

6. And whereas the increase in wealth and population in the said county of Bruce, renders it desirable to continue the said line not only to Southampton but to some other point on Lake Huron, and it is expedient to extend the powers granted by the said Act, be it enacted that it shall be lawful for the said company to extend its line from some point on the main line to Kincardine, in the said county of Bruce.

7. The twenty-fifth section of the Act incorporating the Gauge of rail-company is hereby repealed, and the guage of the railway may be such, not less than four feet eight and one-half inches, as the Directors in their discretion may determine upon.

- 5 8. It shall and may be lawful for the County Council of Council of Bruce, in their discretion and without an appeal to the rate- Bruce may extend the time payers, on the request of the Company, to extend the time for for completing the completion of the portion of the line of the said railway railway between Paisley and Southampton, any condition in the and South-
 10 by-law granting the bonus to the railway to the contrary ampton.
 notwithstanding.

BILL.

An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway, and to extend the time for completing the same.

(*PRIVATE BILL.*)

First Reading, 10th January, 1871.

Mr. WILLIAMS, *Hanilton.*

An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway, and to extend the time for completing the same.

WHEREAS the Wellington, Grey and Bruce Railway Preamble.

Company have, by their petition set forth that by their Act of Incorporation they are empowered to construct a line of railway from the town of Guelph to the village of Southampton or other point on Lake Huron, with a branch to the town of Owen Sound, in the county of Grey, and that a portion of their railway from Guelph to Alma has been completed, and a large portion thereof beyond that point is under contract and in course of construction, but that it will not be possible to complete the whole of the railway so authorized to be constructed within the term by their said charter limited; and they have therefore prayed for an extension of the said period and for certain amendments to the said charter, and it is expedient to grant the prayer of such petition; And whereas a lease and agreement have been entered into between the said company and the Great Western Railway Company for the leasing and working of the said line whereby the last-mentioned company are bound to equip, maintain, and work the said railway and the several sections thereof as the same are completed and ready for traffic, yielding and paying as a rental therefor to the said Wellington, Grey and Bruce Railway Company thirty per centum of the gross traffic derived therefrom, and also twenty per centum of the traffic interchanged between the two companies as a fund for the acquisition of the bonds of the company issued under the borrowing powers of the company referred to in said lease and agreement, and in a supplementary agreement between the same parties, and the petitioners have represented that certain of the said bonds have been issued as contemplated by the said lease and agreements, and that it is desirable to limit the issue of such bonds under the borrowing powers aforesaid as hereinafter is provided, and to make certain other amendments to the said charter; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the seventh section of the Act incorporating the company as requires the said railway to be completed within seven years from the passing of the said Act is hereby repealed, and the time for such completion is extended for a further period of three years from the time limited in the said Act. Time for completing the railway extended.

2. The sixth section of the Act passed in the thirty-first year of Her Majesty's reign, intituled "An Act to amend the Act incorporating the Wellington, Grey and Bruce Railway" 31 Vic. c. 13, s. 6, repealed.

- Company," is hereby repealed, but such repeal shall not invalidate or affect any of the said bonds or debentures issued thereunder; and it is hereby enacted that the bonds or debentures which the company may issue under the borrowing powers, and which shall, with those already issued, be a first charge under the mortgage referred to in the said lease and agreements with the Great Western Railway Company, dated respectively the fifteenth day of June, one thousand eight hundred and sixty-nine, and third day of June, one thousand eight hundred and seventy, shall not exceed in the whole, with those already issued, twelve thousand dollars for each mile of the railway by the said recited Acts or this Act authorized to be constructed and which shall be actually completed and worked by the Great Western Railway Company; And it shall and may be lawful for the said Company to issue such bonds to the extent aforesaid for each mile of the said railway actually contracted for and under construction at the time of such issue, provided that the amount of such issue shall not at any time be in excess of the amount actually expended in surveys, purchase of right of way, and in works of construction upon such section or portion of the line of the said railway, or materials actually purchased and delivered to the company within the Provinces of Ontario or Quebec; but no bonds shall be issued under the terms of this proviso until the Chief Engineer of the said Company shall have certified in writing under his hand the amount of work done or moneys expended upon such section, and materials and iron rails delivered as aforesaid, and deposited such certificate with the trustees named in the said mortgage or their successors, and no such bond shall issue for an amount in excess of that named in the said certificate.
- 3.** In computing the mileage referred to in the last preceding clause, sidings shall be included in addition to the main line, not to exceed ten per centum of each mile of railway, but this clause shall not be operative until the consent of the Great Western Railway Company has been signified by endorsement on the said mortgage, and such mortgage shall stand as security for all the bonds hereby authorized, without further formality.
- 4.** All bonds or debentures issued by the company shall be signed by the president or vice-president and countersigned by the secretary, and all such bonds or debentures now issued or hereafter to be issued, shall be assignable at law by delivery, and may be sued on, or enforced, by the several bearers or owners, in their own names.
- 5.** As each section shall be completed it shall be the duty of the company to file with the trustees named in the mortgage a certificate under the hands of the president and secretary, and countersigned by the chief engineer of the company, shewing the number of miles of road completed and accepted by the Great Western Railway Company, and the amount of such bonds issued as aforesaid; and a duplicate of such certificate shall be preserved in the office of the Company for the inspection of any person desirous of seeing the same.
- 6.** And whereas the increase in wealth and population in the said county of Bruce, renders it desirable to continue the said line not only to Southampton but to some other point on Lake Huron, and it is expedient to extend the powers granted by
- Certain bonds, &c., to be a first charge.
- Restriction and power as to issuing bonds, &c.
- Company may issue bonds for each mile of railway under construction.
- Engineer's certificate.
- Sidings to be included in computing mileage.
- Bonds and debentures of the Railway, how to be issued and assigned.
- On the completion of each section a certificate to be filed with the Trustees.
- Power to extend the railway to Kincardine.

the said Act, be it enacted that it shall be lawful for the said company to extend its line from some point on the main line to Kincardine, in the said county of Bruce.

7. The twenty-fifth section of the Act incorporating the Gauge of railway company is hereby repealed, and the gauge of the railway may be such, not less than four feet eight and one-half inches, as the Directors in their discretion may determine upon.

8. In case the majority of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of the Municipality, do petition the Council of such Municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the Municipality within which the property of the petitioners is situated; or in the case of a County Municipality the majority of the Reeves and Deputy Reeves for those Townships that may be asked to grant a bonus, do petition the Council of such County Municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said Company for this purpose, and stating the amount which they so desire to grant, and to be assessed therefor; the Council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act;

If a portion of the municipality desire to aid, Council to pass a by-law;

(1.) For raising the amount so petitioned for by such freeholders or such reeves or deputy reeves in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the company of the debentures for the amount of said bonus, at the times and on the terms specified in the by-law or in an agreement between the council and the directors of the Company.

for issuing debentures;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, such interest to be payable yearly or half-yearly, which debentures the Municipal Councils and the warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively, and the provisions of the Municipal Acts and of this Act shall apply to any bonus so granted, or by-law so passed, by or for a portion of a municipality.

for assessing and levying a rate.

9. That any county in which are situated a township, or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said Railway Company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the custodian named in such by-law or agreement, the debentures of the county, on a resolution being passed to that effect by a majority of the County Council.

Counties may take debentures issued by townships and give the Trustees the debentures of the County.

10. It shall and may be lawful for the County Council of Bruce, in their discretion and without an appeal to the rate-

Council of Bruce may extend the time

for completing
railway be-
tween Paisley
and South-
ampton.

payers, on the request of the Company, to extend the time, not exceeding one year, for the completion of the portion of the line of the said railway lying between Paisley and Southampton, any condition in the by-law granting the bonus to the railway to the contrary notwithstanding.

Company may
mortgage
bonds.

11. The said Railway Company may, for advance of money to be made thereon, mortgage and deposit, and transfer by way of mortgage, or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Certain pro-
visions of the
Great West-
ern Railway
Acts to apply
to the portion
of the line
taken by the
G. W. R.
Company.

12. The several provisions of the acts relating to the Great Western Railway Company, in respect to the working of the Railway, shall apply to the portion of the line at present taken over by the Great Western Railway Company and to each section thereof, as the same shall be from time to time accepted by them; and the Great Western Railway Company as to such portions and the connections between them and its railway, shall and may exercise all the powers and authorities conferred upon them in reference to the main line or any of their branches by the several acts relating thereto, but nothing in this section contained shall vary or affect the terms of the said recited lease or agreements.

4th Session, 1st Parliament, 34 Victoria, 1871.

(Reprinted as amended by Committee.)

BILL.

An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway, and to extend the time for completing the same.

(PRIVATE BILL.)

First Reading, 10th Jan., 1871.
Second Reading, 30th Jan., 1871.

MR. WILLIAMS, (Hamilton.)

TORONTO:

An Act to make valid certain Commissions for taking Affidavits issued by the Court of Queen's Bench.

WHEREAS the Judges of the Court of Queen's Bench for Preamble.
 Upper Canada, did, under and by virtue of the powers
 vested in them by an Act of the Legislature of the late Province
 of Upper Canada, passed in the second year of the reign of his
 5 late Majesty King George the Fourth, issue or cause to be
 issued commissions constituting and appointing commissioners
 to take and receive recognizances of bail and affidavits, and
 some of such commissions were informally issued without the
 seal of the court as required by the said Act; And whereas the
 10 said commissioners have under and by virtue of the said com-
 missions taken affidavits of the due execution of deeds which
 have been thereupon registered, and it is necessary to legalise
 the said commissions, and all acts, matters, and things legally
 done thereunder, and to authorize the clerk of the said court to
 15 attach the seal thereof to the said commissions; Therefore Her
 Majesty, by and with the advice and consent of the Legislative
 Assembly of the Province of Ontario, enacts as follows :

1. The Clerk of the Court of Queen's Bench of the Province
 of Ontario, shall on production thereof, for such purpose, duly
 20 attach the seal of the said Court to the said Commissions. Seals to be attached to commissions upon production.

2. Such commissions upon being duly sealed as aforesaid
 shall be deemed to have been legally issued, and all affidavits
 or recognizances of bail taken and received by the said com-
 missioners, under and by virtue of such commissions shall be
 25 deemed to have been legally taken and received, and every
 affidavit sworn before the said commissioners for the purpose of
 registering any deed or other instrument shall be and be deemed
 to have been legally sworn; Provided always that nothing here- Proviso.
 in contained shall avoid any legal proceeding pending or had
 30 and determined previous to the passing of this Act. Commissions upon being sealed to be valid.

BILL.

An Act to make valid certain Commissions
for taking Affidavits issued by the Court
of Queen's Bench.

First Reading, 10th Jan., 1871.

MR. CRAIG.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act respecting the establishment of Registry Offices, in Ridings and to amend the Registration of Titles (Ontario) Act.

WHEREAS it is expedient to make further provision for the establishment of Registry Offices where the same may be required, and to amend the Act passed in the thirty-first year of Her Majesty's Reign, and chaptered twenty : Preamble.

5 Therefore Her Majesty by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section four of the said Act is amended so as to read as follows :— 31 Vic. c. 20
s. 4, amended.

10 (4.) Whenever in any county or Riding the Registry office appears to the Lieutenant-Governor in Council to be inconveniently situated, he may by proclamation order the same to be removed to any other place in the county or Riding. Registry office
may be re-
moved.

15 2. In case the Lieutenant-Governor in Council deems the circumstances of any city or of any junior county of an union of counties or Riding of a county or counties not set apart for judicial or municipal purposes, such as to call for or render expedient and advisable the establishment therein of a separate Registry office, he may from time to time by an order in Council caused to be issued a proclamation, and thereby set apart and establish a registry office for such city or junior county or riding of a county or counties, and in case of a junior county or riding of a county or counties, name some place where the office of the registrar shall be held until the dissolution of such union of counties, or the erection of such riding into a separate county, and the fixing therein of a county town, when such registry office shall be removed to and kept in such county town. Lieut.-Governor in Council
may establish
new divisions
for Registry
Offices.

3. Upon the issuing of any such proclamation the provisions of the said Act in reference to the establishment of registry office or in connection therewith, and in reference to the registration of deeds or other instruments affecting real estate shall, except in so far as the same may be inconsistent with the provisions of the last preceding section of this Act, apply to registry offices, so set apart and established, and the word "county" in this Act shall for the purposes of this and the last preceding subsection mean and include a city as well as a junior county or a riding of a county or counties for which a separate registry office may be so established, and the duties imposed upon municipal councils shall in the case of such junior county or riding Provisions of
31 Vic. c. 20,
to apply to
this Act.

Interpretation
of the word
"county."

be discharged by the municipal council of the counties of which such junior county or riding forms part, and in the case of a city by the municipal council of such city.

31 Vic. c. 20, Section fifty of the said Act is amended so as to read as follows : 5
s. 50 amended.

Registration
of instruments
executed in
Quebec.

(50.) Every notarial copy of any instrument executed in Quebec, the original of which is filed in any notarial office according to the law of Quebec, and which cannot therefore be produced in Ontario, and every prothonotarial copy of any instrument executed in Quebec shall be received in lieu of and as 10 *prima facie* evidence of the original instrument, and may be registered and treated under the Act for all purposes as if it were in fact the original instrument, and such notarial or prothonotarial copy shall be registered without any other or further proof of the execution of the same, or of the original there- 15 of, with the seal of the notary or prothonotary attached.

BILL.

An Act respecting the establishment of Registry Offices in Ridings, and to amend the Registration of Titles (Ontario) Act.

First reading 10th January, 1871.

Atty.-Gen. MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Incorporate the Georgian Bay Lumber Association.

WHEREAS by the petition of Eli Clinton Clarke, Alanson Preamble.

Sumner Page, Samuel White Bernard, Douglas Leland White, and Eli Clinton Clarke the younger, of Byng Inlet, in the district of Algoma, lumberers; it appears that certain
5 persons trading under the name, style, and firm of Clarke, White, & Company, as manufacturers of lumber at Byng Inlet, on the Georgian Bay, own large and valuable property at said inlet and at other places, and also valuable and extensive mills, works, licences, leases, and other valuable rights, privileges,
10 and franchises; And whereas the said Clarke, White, & Company are desirous of selling and disposing of said property and rights to a company to be formed and created under and by virtue of this act, and to be formed of the said petitioners and other persons with them for the purpose of more fully de-
15 veloping and carrying on their said manufactory; And whereas the said petitioners have prayed that an act may be passed authorizing the formation of an association for such purposes, and that they may be incorporated under the title of "The Georgian Bay Lumber Association," for the purpose of manu-
20 facturing lumber and other products of wood, and also for the purpose of cutting, taking out, making, and carrying timber and saw logs for the purpose of such manufacture and sale, and for the buying and selling of lumber and timber and for the construction of all works, rail or tramways, mills, engines,
25 dams, sluices, scows, schooners, vessels, and steamboats, and other works necessary for the carrying on of such works at Byng Inlet, in the Province of Ontario, and at other places in said province; And whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and
30 with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Eli Clinton Clarke, Alanson Sumner Page, Samuel White Incorporation.
Barnard, Douglas Leland White, Eli Clinton Clarke, the younger, and such other persons as now are, or hereafter shall
35 become shareholders of the said company shall be, and they are hereby made and constituted a body corporate and politic, by and under the name of "The Georgian Bay Lumber Association." Corporate name.

2. The capital stock of the said company shall be five hun- Capital stock.
40 dred thousand dollars, in shares of one hundred dollars each; such shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assignable at the places of business of the corporation, and according to such form as the directors shall
45 prescribe; every shareholder shall be entitled to one vote for each share he may hold in the capital stock of the company, providing he held such share at least one month prior to the

time of voting, and all such voting on such shares may be at all meetings of shareholders by proxy, and shall be by ballot.

Objects of the company.

3. The said corporation is hereby constituted for the purpose of purchasing and acquiring from the said Clarke, White, & Company all lands, leases, licenses, timber limits, and all mills, works, timber, lumber, dams, schooners, vessels, and steamboats, and all other property, real or personal, and all other rights and privileges belonging to or enjoyed and owned by the said Clarke, White, & Company, in carrying on their works at Byng Inlet aforesaid, and at other places, upon such terms and conditions as may be agreed upon between the said corporation and the said Clarke, White, & Company, and may hold, use, and enjoy all such property, privilege, and rights for the purpose of carrying on said business under the provisions of this act.

Provisional directors.

4. The said Eli Clinton Clarke, Alanson Sumner Page, Samuel White Barnard, Douglas Leland White, and Eli Clinton Clarke, the younger, shall be provisional directors of the said company, and shall severally hold their offices until the first election of directors, which first election may take place so soon as the amount of stock is subscribed and the per centage thereon paid up, and for the purposes of the election the provisional directors herein named may appoint any place in the City of Toronto where such election may be held, by giving one month's previous notice, to be published in one or more daily papers in said city, at least three separate times, such election to be by ballot; and said provisional directors shall have power to open stock books, receive subscriptions of stock or shares, direct how the same shall be paid, to receive payments thereon, and generally to do all matters and things necessary for the full organization and working of the company.

First election of directors.

Powers of provisional directors.

Board of directors, their qualification and election.

5. The affairs of the company shall be under the control of, and shall be managed and conducted by a board of not less than three, nor more than seven directors, of whom three shall form a quorum for the transaction of business, and one of which shall be elected president or managing director, and the directors to be elected under the provisions of this act shall each be stockholders to an amount of not less than five thousand dollars, and shall be elected on the first Wednesday in the month of June of every year, after that in which the company goes into operation at the city of Toronto, unless otherwise provided by the by-laws of the company, provided that if the election of directors be not made on the day appointed by this act the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the directors or stockholders for that purpose; and all the acts of the directors, until their successors shall be elected, shall be valid and binding on the company; and all such elections shall be by ballot, by a plurality of the votes of the stockholders present or by proxy, each share to have one vote.

General meeting for first election of directors.

6. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid up, the provisional directors shall call a general meeting of the subscribers for the

said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing permanent directors of said company as herein provided.

7. The said company may, for the purpose of carrying on Power to hold
 5 their business and for more fully carrying out the objects of lands.
 this Act, acquire and hold by purchase, lease or other legal
 title, such lands, timber licenses and other property and rights,
 and construct and maintain such buildings, mills, steamboats,
 machinery and other improvements and works thereon, and
 10 sell, lease or otherwise dispose of the same and acquire others
 in their stead as the company may deem to be fit for its ad-
 vantage.

8. In addition to their ordinary places of business within Where the
 this province, the company may establish and have any place business may
 15 or places of business in the Dominion of Canada or in the be carried on.
 United States of America, and may, at any one of them, direct,
 do and transact their affairs and business, or any thereof, the
 same as at their chief place of business, and subject to the pro-
 20 visions of the by-laws of the company made under the provi-
 sions of this Act.

9. The shareholders of the said company shall not as such be Liability of
 held responsible for any act, default or liability whatsoever of shareholders.
 the company, or for any engagement, claim, payment, loss, in-
 jury, transaction, matter or thing whatsoever relating to or
 25 connected with the company beyond the amount of their
 respective shares in the capital stock thereof.

10. All contracts, promissory notes, bills of exchange and Execution of
 engagements made on behalf of the company by the directors, contracts, etc.,
 officers, agents or servants of the company in accordance with and liability
 30 their powers under the by-laws or by vote of the company of directors
 shall be binding upon the company, and in no case need the thereon.
 seal of the company be affixed thereto, nor shall such directors,
 officers, agents or servants thereby become individually liable
 to any third party therefor; but the said company shall issue
 35 no bank note or note to circulate as money.

11. The directors of the company shall have power and Power: of
 authority to make, amend, repeal and re-enact all such by-laws, directors.
 rules, resolutions and regulations as shall appear to them
 proper and necessary touching the well ordering of the com-
 40 pany, the number of its directors, the qualifications and a
 quorum thereof, the making of calls, the acquisition, arrange-
 ment and disposition of its stock, property and effects, and of
 its affairs and business, the entering into arrangements and
 contracts with the municipalities or other corporations or indi-
 45 viduals, with which they may carry on their said business, the
 declaration and payment of dividends, the form and issuing of
 stock certificates, transfers and registration, the allotment and
 forfeiture of stock, the calling of special and general meetings
 of the company, the appointment, removal and remuneration of
 50 all officers, agents, clerks, workmen and servants of the com-
 pany, the issuing and redemption of the debentures of the com-
 pany that may be issued under the clauses of this Act, and
 generally to do all that may be necessary to carry out the ob-
 jects and exercise the powers incident to the company.

Stock to be
personally.

12. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Increase of
capital stock.

13. The company is hereby authorized to increase their capital stock whenever a majority of the stockholders called, as provided in the thirty-ninth section of the Act of the late Province of Canada, passed in the twenty-second year of the reign of Her present Majesty, and chaptered sixty-three, shall decide to make such increase, and the provisions of the said Act for increasing the capital stock from section thirty-nine to section forty-six, both inclusive, are hereby incorporated with this Act in so far as they are not inconsistent with the same.

Power to
borrow money.

14. The directors may from time to time borrow for the purposes of the company any sum or sums of money by the issue of bonds or debentures in sums of not less than one hundred dollars on such terms as they may think proper, and may pledge all the property of the said company, income of the same, or any part thereof for the repayment of the money so raised or borrowed, and the payment of the interest thereon; Provided always that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained at a special meeting to be called and held for that purpose, of which the like notice shall be given as aforesaid; Provided also that the said company shall not be authorized at any time to borrow a sum not exceeding the amount of the capital stock then paid up.

Proviso.

Proviso.

Dividends.

15. It shall be the duty of the directors of the corporation to make yearly, or half-yearly, dividends of so much of the profits of the said company as to them may seem advisable.

An Act to incorporate "The Ontario Sugar Refining Company."

WHEREAS John Armstrong Aldwell, of the City of Preamble.

Toronto, esquire, is about building a sugar refinery for the purpose of refining sugar from raw or unrefined sugar, molasses, beet roots, or other roots or substances capable of being manufactured into merchantable refined sugar, and has certain leases, rights and privileges within the limits of the said city to be used in carrying on said business, and of which business he is the sole proprietor, and has invested a large amount of capital therein; And whereas the said John Armstrong Aldwell is desirous of associating other parties with himself for the purpose of erecting said buildings, putting up machinery, and for carrying on said business of sugar refining; And whereas the said John Armstrong Aldwell, for the purpose of securing greater efficiency in carrying on said business, is desirous of obtaining an Act of Incorporation; And whereas it is expedient that the prayer of his petition to that effect be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 1. John Armstrong Aldwell, of the City of Toronto, esquire, Incorporation.

R. F. Raynes, of the City of Montreal, esquire, Henry H. Howland, of the City of Toronto, esquire, Thompson Smith, of the City of Toronto, esquire, George Laidlaw, of the City of Toronto, esquire, Thomas D. Aldwell, of the City of

25 Toronto, esquire, together with all such persons as may hereafter become shareholders in the company hereby created, shall be, and they are hereby made and constituted, a body corporate and politic, by and under the name of "The Ontario Sugar Refining Company," and may by that name sue and be sued,

30 implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and by that name they and their successors shall have perpetual succession and may have a common seal, and may change and alter the same at pleasure, may acquire for themselves and successors

35 under any legal title whatsoever property real and personal, may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit, and may, should they see fit, acquire
 40 other real and personal estate for the purposes of this Act, Provided always that the real estate held by the said corporation at any one time shall not exceed in annual value the sum of ten thousand dollars.

2. The said corporation is hereby constituted for the purpose
 45 of purchasing and acquiring from the said John Armstrong Object of the company.

Proviso.

and may pledge all the property income of the property, or any part thereof, for the repayment of the money so raised or borrowed and the payment of the interest thereon: Provided always that the consent of three-fourths in value of the stock holders of the company shall be first had and obtained at a special meeting to be called and held for that purpose, of which the like notice shall be given as aforesaid: Provided also that the said company shall not be authorized at any time to borrow a sum not exceeding the amount of the capital stock then paid up. 5 10

Dividends.

14. It shall be the duty of the directors of the corporation to make half-yearly dividends of so much of the profits of the said company as to the majority of them may seem advisable.

Remuneration to president and directors.

15. The directors, including the president, shall be entitled to such emolument for their services as may be fixed by resolution passed at a general meeting of the shareholders. 15

Notices, how to be given.

16. The notices by this Act required to be given may be given by advertisement in one or more of the daily newspapers published in the City of Toronto, and in the *Ontario Gazette*, and if so given shall be deemed sufficient notice for any of the purposes in this Act mentioned. 20

Shares held in trust.

17. The corporation shall not be bound to see to the execution of any trust whether expressed, implied or constructed, to which any of the shares of its stock shall be subject.

4th Session 1st Parliament 34 Victoria, 1870-71.

BILL.

An Act to incorporate "The Ontario Sugar Refining Company."

(PRIVATE BILL.)

First reading 11th January 1871.

Mr. LAUDER.

An Act to enable Sullivan Caverno to convey certain lands in the County of Welland.

WHEREAS Sullivan Caverno, Catharine C. Fitch, and Martha Fitch, have by their petition represented that by Indenture the thirty-first day of October, Anno Domini, one thousand eight hundred and fifty seven, between Nathan Thomas Fitch of the town of Merrittville, in the county of Welland and Province of Canada, Esquire, of the first part, Sullivan Caverno of the town of Lockport, in the county of Niagara, in the State of New York, Esquire, and James Edwin Fitch of the town of Brantford, in the county of Brant, in the Province of Canada, Esquire, of the second part, for and in consideration of an intended marriage between the said Nathan Thomas Fitch and Catherine Caverno, daughter of the said Sullivan Caverno, and of ten shillings, lawful money of Canada, paid by said Sullivan Caverno and James Edwin Fitch to said Nathan Thomas Fitch, the said Nathan Thomas Fitch granted, released, bargained and sold unto the said Sullivan Caverno, and James Edwin Fitch, and their heirs, all and singular, that certain tract or parcel of land and premises, situate lying and being in the town of Merrittville county of Welland and Province aforesaid, containing by admeasurement, five and one half acres of land be the same more or less; being composed of the south westerly part of lot number two hundred and forty-nine in the township of Thorold, and more particularly described as follows, that is to say: Commencing at a point at the waters edge, of the river Welland, distant two chains and twenty-five links west from an oak tree and stake on the bank of the said river Welland, thence north four chains and forty-two links, more or less, to Ontario Street; thence west along the south side of said Ontario street, more or less to the Chippawa road; thence south forty-two degrees and forty-five minutes west along the south side of said road, eleven chains and thirty-five links, more or less, to the allowance for road between the said lot two hundred and forty-nine and lot number two hundred and fifty; thence south along the east side of said road allowance, three chains and seventy links, more or less, to the south-west angle of said lot number two hundred and forty-nine at the edge of the water of the said river Welland; thence easterly along the said river Welland, following the winding thereof, more or less to the place of beginning; together with all houses, edifices, buildings, yards, fences, gardens, orchards, trees, woods, liberties, privileges, and appurtenances, whatsoever, to have and to hold the said lands with the appurtenances, unto the said Sullivan Caverno, and James Edwin Fitch, in trust, to the uses following, to wit: First to the use of the said Catherine Caverno, for and during the term of her natural life, remainder to said Sullivan Caverno, and James Edwin Fitch, to support contin-

gent remainders : Secondly, after the death of the said Catherine Caverno, to the issue of the proposed marriage, their heirs and assigns, for ever, and in default of such issue, then remainder after the death of the said Catherine Caverno, to the said Nathan Thomas Fitch, his heirs, and assigns, for ever : And 5 that the said Sullivan Caverno has since the execution of the said deed, acted as sole trustee of the said conveyance to uses, and has been so regarded by all the said petitioners : And that the said petitioners are desirous to effect a sale of the said lands and tenements, and to have the proceeds of such sale 10 placed in the hands of the said Sullivan Caverno, upon the same trusts as are contained in the said deed, to be by him invested in such securities as to him may seem meet, for the benefit of the said parties so interested : And whereas it is for the interest of 15 of the said parties, that such sale should be effected : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Certain lands
vested in S.
Caverno, to
hold upon
trust.

1. All and singular the said lands and tenements shall be and the same are hereby vested in the said Sullivan Caverno, to have and to hold the same in the like estate, as the same were 20 hitherto held by the said Sullivan Caverno and James Edwin Fitch, upon the trusts in the said settlement contained, and upon the trusts and for the intents and purposes hereinafter contained.

Powers to sell.

2. It shall be lawful for the said Sullivan Caverno and he is 25 hereby empowered and authorized at any time hereafter to sell and dispose of the said estate, by private sale, for such price as he may deem expedient, either wholly for cash or partly for cash and partly upon credit, in which latter case the unpaid balance of purchase money shall be secured by mortgage 30 upon the said lands and tenements, such mortgage to be held and any interest thereon to be applied upon the trusts and for the purposes hereinafter declared respecting the proceeds of the said sale, and to execute, make, and do all such conveyances, surrenders, assurances, and acts, as may be necessary or expedient 35 in order to effectuate such sale or sales, or to vest a perfect title in such purchaser or purchasers, and every such conveyance, surrender, or assurance shall be valid and effectual notwithstanding the said settlement.

Investment of
the proceeds
of the sale.

3. It shall be the duty of the said Sullivan Caverno from time 40 to time, as soon as conveniently may be, after such sale is effected, to invest the proceeds thereof, after paying and satisfying all costs and expenses attending the said sale, in the public securities of the Dominion of Canada or at interest upon such other securities within this Province, as he may deem fit, with 45 full power from time to time, to alter, vary or transpose the same as occasion may require.

Trusts upon
which the pro-
ceeds of the
sale are to be
held.

4. The said Sullivan Caverno shall stand possessed of the said proceeds and the annual or other interest thereof, after paying all taxes, assessments, and expenses connected there- 50 with, and the management thereof : *Firstly*, the said annual proceeds for the exclusive benefit of the said Catherine Caverno, now Catherine Fitch, during the term of her natural life ; *Secondly*, within six months after the death of the said Catherine Fitch, the said Sullivan Caverno shall transfer, convey, 55 and deliver to the said Martha Fitch, her executors or adminis-

trators, for the sole and absolute use of the said Martha Fitch, her heirs and assigns, all such landed and other securities as the said estate may then consist of, and for such purpose may make and execute all such transfers, conveyances, assignments, and acts necessary to make valid such transfer.

5 **5.** In the event of the said Sullivan Caverno dying, or becoming incapable of further acting in the said trusts, or being guilty of any breach of trust or misconduct in relation to his office as such trustee, it shall be lawful for the
 10 Court of Chancery of this Province, upon the application of any of the parties interested in the said estate, to nominate and appoint some fit and proper person to be trustee of the same in the place of the said Sullivan Caverno, and in like manner to appoint another in case of the death, incapacity, or miscon-
 15 duct of such person, and, upon such appointment, the said estate, proceeds, and securities shall vest in such new trustee upon the same trusts as in the same case held by the said Sullivan Caverno.

20 **6.** It shall further be the duty of the said Sullivan Caverno, or any other trustee appointed under the preceding section of this Act, to account, from time to time, as any of the parties interested may reasonably require, and such account may be taken by the Master of the said court upon the application of any such person without any order of reference from the said court, and
 25 the said Master shall have power to adjudicate and determine upon all matters connected with the said application, subject, however, to an appeal to the court according to the ordinary practice of the court in such matters.

Appointment
of new
trustee.

Trustees to
account.

BILL.

An Act to enable Sullivan Caverno to convey
certain lands in the County of Welland.

(*PRIVATE BILL.*)

First reading 11th January, 1871.

Mr. BEATTY.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

No. 67.]

BILL.

[1870.

An Act further to secure the Independence of the
Legislative Assembly.

WHEREAS it is necessary further to declare the Legis- Preamble.
lative Assembly Independent of the Crown, without
unduly interfering with the Prerogative; Her Majesty, by and
with the advice and consent of the Legislative Assembly of
the Province of Ontario enacts as follows:

1. No person who is a member of the Legislative Assembly of Ontario shall be eligible for any of the offices, commissions, or employments in the service of the Government of Ontario, referred to in the first section, exclusive of the subsections, of the Act passed, in the thirty-second year of the reign of Her present Majesty and chaptered four, entitled "an Act to secure the Independence of the Legislative Assembly," while he is such Member or until six months shall have elapsed after he has ceased to be such member. Members of the Legislative Assembly ineligible for certain offices.
2. Nothing in the first clause of this Act shall apply to the offices mention subsection numbered (2) of the first clause of the said Act entitled "an Act to secure the Independence of the Legislative Assembly." Act not to apply to certain offices.
3. Nothing in the first clause of this Act shall apply to appointments to offices, commissions, or employments made after the dissolution of any Legislative Assembly, and before the election of the next Legislative Assembly. Act not to apply to appointments made after the dissolution of the Legislative Assembly.

BILL.

An Act further to secure the Independence
of the Legislative Assembly.

First Reading, 11 Jan., 1871.

Mr. ANDERSON.

TORONTO :

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to incorporate The Church of England
Ladies' School, at Ottawa.

WHEREAS the Reverend John S. Lauder, John Bower Preamble.

Lewis, Francis Clemow, Charles T. Bate, Henry N. Bate,
John C. T. Cochrane, Thomas H. Kirby, A. C. Kelty, the Rev-
erend H. Pollard, Francis Abbott, John A. Torrance, W. R.
5 Wright, George May, Charles Huband, N. Bate, G. P. Baker,
W. J. Wills, and James D. Slater, by their petition in this
behalf have represented that they and William Spragge, G. W.
Wicksteed, T. C. Keefer, Edward Grant, and John Heney,
have associated themselves together by the name of the Ottawa

10 Protestant Ladies' School, for the purpose of establishing and
conducting a Seminary of Learning for the education of girls,
based upon Christian principles, and have opened subscription
books and subscribed for stock in the said association, and the
said petitioners, in pursuance of a resolution of the stock-
15 holders of the said association, have prayed to be incorporated
under the name of "The Church of England Ladies' School,
at Ottawa." Therefore Her Majesty, by and with the advice
and consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

- 20 1. The Reverend J. S. Lauder, the Reverend Henry Pollard, Certain per-
J. D. Slater, William Spragge, J. B. Lewis, J. C. T. Cochrane, sons incorpo-
J. A. Torrance, G. W. Wicksteed, A. C. Kelty, G. P. Baker, rated.
C. T. Bate, H. N. Bate, N. Bate, W. R. Wright, T. C. Keefer,
F. Clemow, Edward Grant, John Heney, George May, W. J.
25 Wills, T. H. Kirby, Francis Abbott, and Charles Huband, and
such other persons as now are or shall hereafter become share-
holders of the said undertaking, are hereby constituted a body
corporate and politic, under the name of "The Church of Corporate
England Ladies' School, at Ottawa," and by the said name name and
30 they and their successors shall and may have continued succes- powers.
sion, and shall be capable in law of contracting and being
contracted with, and of suing and being sued, pleading and
being impleaded, in all courts or places whatsoever, in law or
equity, and they and their successors shall and may have a
35 common seal, and may change or alter the same, and may also,
from time to time, at any ordinary meeting of the Council, by
a majority of votes, as hereinafter provided, ordain, establish,
and put in execution, such by-laws, ordinary rules, and regu- Power to pass
lative (the same not being contrary to this Act or to the laws by-laws.
40 in force in the Province) as may appear to them necessary or
expedient for the management of the said corporation, its
business and affairs, and may from time to time alter or repeal
the same or any of them, and shall have power to accept, on
behalf of the said corporation, gifts and endowments for pro- To accept gifts
45 moting objects of education, science, and literature, or other- and hold real
wise, in aid of the general purposes of the said corporation, estate.

on such terms as may be agreed upon with the persons bestowing such gift or endowment, and shall also be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of absolutely or conditionally holding any lands, tenements, real or immovable estate, and the same to alienate, let, release, mortgage, transfer and dispose of; Provided always that nothing herein contained shall be considered as permission to hold any real estate beyond what may be necessary for the said corporation to hold for its own immediate accommodation in relation to the purposes for which the said corporation is authorised, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts; And provided further, that the said corporation shall be bound to sell or dispose of any real estate so purchased or conveyed to them (except such as may be necessary as aforesaid for the convenient carrying on of the undertaking) within seven years after acquiring the same.

Capital stock. 2. The capital stock of the said corporation shall, until otherwise determined, as hereinafter provided, consist of the sum of three thousand dollars, divided into one hundred and fifty shares of twenty dollars each, and shall be paid by such instalments and at such times and places as the Council of the said corporation shall appoint, after notice of not less than one calendar month in that behalf, to be previously given by publication, once in each week, in one or more of the public newspapers published in the city of Ottawa, as well as by circular letters addressed and mailed to every shareholder, at his last named place of residence, and in case any shareholder shall neglect or refuse to pay the same, the corporation are hereby empowered to sue for and recover the same, with interest, at six per centum per annum, from the time appointed to pay the same.

When the corporation may begin business. 3. The corporation may commence operations and exercise the powers hereby granted so soon as twelve hundred dollars of the said stock shall be subscribed, and fifty per centum thereof paid up.

Council to open stock books. 4. The parties hereby appointed to the Council of the said corporation are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said undertaking, and all parties who have subscribed, or who shall hereafter subscribe to the capital stock of the said association, shall be considered proprietors and partners in the same; Provided that parties who have already subscribed for stock in the said association shall be liable to pay calls thereon, to be made under this Act, without any fresh subscription of stock.

Powers as to education. 5. The said corporation shall have power and legal authority to establish and maintain an institution of learning, to be called by the said name of "The Church of England Ladies' School, at Ottawa," for the education of girls, and direct and manage the same for the purposes of education in the various branches of literature and science, upon Christian principles, in such manner as they shall deem most conducive to that end.

6. The affairs of the said corporation shall be conducted by a Council, to consist of nine members, and until the election, hereinafter provided, takes place, the Reverend J. S. Lauder, J. D. Slater, William Spragge, J. B. Lewis, W. R. Wright, J. C. T. Cochrane, C. T. Bate, J. A. Torrance, and G. W. Wicksteed, shall comprise such Council. Council to manage affairs

7. A general meeting of the shareholders of the said corporation shall be held in the city of Ottawa, at the office of the said corporation, on the first Monday in the month of July, in the year of our Lord one thousand eight hundred and seventy-one, and on the first Monday of the month of July, in each year thereafter; at such first general meeting the shareholders present, in person or by proxy, shall elect the members of the Council of the said corporation, who shall each be proprietor of three shares, at least, in the capital stock of the said corporation, and each of the members of the Council, before taking office, shall subscribe a declaration to the effect that he is a member of the Church of England. General meetings.
Election of Council.

8. The Council shall appoint one of their number to be chairman, and they shall also appoint a secretary and treasurer, (the latter of whom shall give security for the due and faithful performance of his office), and shall also appoint all intermediate officers. Officers, how appointed.
Treasurer to give security.

9. At all meetings of the proprietors each shareholder may cast one vote for every share held by him, and every question shall be determined by the majority of votes present or represented by proxy at such meeting. One vote on each share.

10. Every meeting of shareholders, other than an ordinary meeting, shall be called a "special general meeting," and such meetings may be convened by the Council at such times and at such places as they may think fit, and a special general meeting of the proprietors at large shall be convened at any time by the Council, on a requisition of any five proprietors requiring them to do so, and such requisition shall fully express the object of the meeting and shall be left with the secretary, and if the Council shall fail to call a meeting within fourteen days thereafter, such proprietors may call a meeting by giving notice as hereinafter mentioned; Provided that no special general meeting shall enter upon business not set forth in such requisition and notice. Special general meetings.

11. Five days' notice of all meetings of shareholders shall be given by mailing circulars addressed to the shareholders at their last known place of residence, which shall specify the place, day, and hour of such meeting. Notice of meetings.

12. At all general meetings, seven proprietors shall form a quorum. Quorums.

13. At every meeting of the shareholders the chairman, or in his absence one of the members of the Council, who shall be elected by a majority of the proprietors present, shall be chairman, and such chairman shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative. Chairman right to vote.
Equality of votes.

Adjourned
meetings.

14. Every meeting of the stockholders may be adjourned from time to time and no business shall be done at an adjourned meeting other than the business left unfinished at the last meeting from which such adjournment took place.

Votes by
proxy.

15. Every person entitled to vote may in writing constitute any other proprietor his or her proxy to vote at such meeting and every such appointment shall be produced to the secretary and entered into a book ; Provided always that such authority shall be executed and bear date within twelve calendar months of the time of the meeting at which it is produced. 5 10

Vacancies in
Council, how
filled.

16. If any of the Members of the Council resign or become incompetent or ineligible to act or cease to be a proprietor the remaining members of the Council shall elect a shareholder having the necessary qualification to fill the vacancy.

Powers of the
Council.

17. The Council shall have the management of the affairs of the corporation ; they shall organize and put in operation and carry on the institution of learning for which the corporation is authorized, they may make and enforce calls upon shareholders ; they shall fix the salaries of the principal teachers and other officers or servants ; they shall take control of manage and may vary repeal and make all the regulations relating to the management, government and discipline of the said institution, its services, studies, lectures, exercises and instructions ; Provided always that no religious test shall be required of any pupil or officer except as is herein expressed ; they may make any payments and enter into all contracts for the purposes of the corporation ; they may generally deal with, treat, sell and dispose of and acquire the lands, property, and effects of the said corporation for the time being in such manner as they shall deem expedient and conducive to the benefit of the corporation ; they may appoint and displace the principal and all such officers professors teachers agents or servants as they shall deem requisite for the management and care of the property and affairs of the corporation ; they may make by-laws for the regulation of the affairs of the corporation and defining the duties of the principal and the several teachers and officers of the corporation and for the internal management of the school in all its details ; but all the powers so to be exercised shall be in accordance with and subject to the provisions of this Act, and the exercise of all such powers shall be subject to the control and regulation of any general meeting, but not so as to render invalid any Act done by the Council prior to any resolution passed by such general meeting. 15 20 25 30 35 40

Meetings of
Council.

18. The Council shall hold meetings at such times and places as they shall appoint for that purpose, and they may meet and adjourn as they think proper and at any time three of the members of the Council may require the Secretary to call a meeting of the Council, and in order to constitute such meetings there shall be present at least five of the members of the Council, and all questions shall be determined by a majority of votes, the chairman shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative. The chairman or in his absence a member of the council to be chosen by the other members present shall preside. 45

Voting.

Who to pre-
side.

50

19. The shares of the said capital stock shall not be transferred until paid up unless such transfer shall be sanctioned by the Council and duly registered by the secretary in the transfer book and no person shall sell or transfer any stock until he shall have paid all calls for the time being due on any share held by him.

Shares, how transferred.

20. The Council may enforce payment of all calls and interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is holder of one share or more stating the number, and is indebted in the sum of money to which the calls in arrear amount in respect to one call or more, stating the number of calls and the amount of each whereby an action hath accrued to the corporation under this Act, and a certificate under their seal and purporting to be signed by an officer of the corporation to the effect that the defendant is a shareholder and that so much is due by him and unpaid thereon shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Payment of calls, how enforced.

21. The council, if they see fit, at any time after the whole capital shall be subscribed for, may from time to time make a by-law or by-laws for increasing the capital stock to such amount or amounts as the council shall see fit, not, however, to exceed in the whole fifty thousand dollars; but no such by-law shall have any force or effect whatsoever until after it shall have been sanctioned by a vote of not less than two-thirds in amount of all the stockholders at a general meeting of the corporation duly called for the purpose of considering such by-law, and such by-law shall declare the number and value of the shares of such new stock, and prescribe the manner in which the same shall be allotted, and in default of so doing the control of such allotment shall be held to vest in the council.

Capital stock, when and how it may be increased.

22. The secretary shall cause a book or books to be kept, wherein shall be recorded:—

Secretary to keep books as to shareholders:

(1.) A correct copy of the prospectus or declaration and original stock list referring to the same, as also every by-law and supplementary declaration for increasing the capital stock.

(2.) The names, alphabetically arranged, of all persons who are or have been proprietors.

(3.) The address or calling of every such person while such proprietor.

(4.) The number of shares held by each.

(5.) The amounts paid in and unpaid respectively by each proprietor.

(6.) All transfers or surrenders of stock in their order as presented to the secretary for entry, with the date and other particulars of each transfer.

(7.) The names, addresses and callings of all persons who are or have been members of the council, with the date at which each became or ceased to be such member.

Books as to
shareholders
to be open to
inspection.

23. Such books shall, during reasonable business hours of every day except Sundays and holidays, be kept open for the inspection of all proprietors and creditors of the said corporation, or their representatives, at the office or chief place of business of the said corporation, and to make extracts therefrom.

5

Contracts
of the
corporation.

24. Every contract, agreement or engagement made on behalf of the corporation by any of its agents, officers or servants, in general accordance with his powers as such under the by-laws, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the said corporation affixed thereto, nor shall the party so acting as agent, officer or servant of the said corporation be thereby subjected individually to any liability to any third party therefor; Provided always, that the corporation shall not be authorized to issue any note payable to bearer, or intended to be circulated as money or as the note of a bank.

Proviso.

Liabilities of
shareholders
to amount of
his shares,
after execution
against the
company.

25. Each of the said proprietors or shareholders, until the whole of his stock shall have been paid up, shall be individually liable to the creditors of the corporation to an amount equal to that not paid up thereon, but shall not be liable to an action by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such proprietors.

Non-liability
of share-
holders beyond
amount of
shares.

26. The proprietors in the said corporation shall not as such be held responsible for any act, default or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the corporation beyond the amount of their respective shares in the capital stock therein.

30

Returns to be
made to the
Lieut.-Governor
or the
Legislature.

27. The said corporation shall, at all times, when thereunto required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditure to the Lieutenant-Governor or Legislative Assembly requiring, for such period, and with such details and other information as the Lieutenant-Governor or the Legislative Assembly may require.

35

An Act to Incorporate The Sisters of Our Lady of
Charity and Refuge at Ottawa.

WHEREAS an institution hath existed for some years past at Preamble.
the City of Ottawa in the Province of Ontario, under
the name of The Magdalene Asylum for the reformation
of repentant females desirous of withdrawing from vice, and
5 for affording a refuge for destitute children, under the manage-
ment of the ladies hereinafter mentioned, known as "The
"Sisters of our Lady of Charity and Refuge." And, whereas
the said ladies have by their petition prayed that they may be
incorporated, and it is expedient to grant their prayer: There-
10 fore Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts as
follows:

1. That Julia Fournex, Elizabeth Stufler, Catharine Lax, Certain per-
sons incorpo-
rated.
Leonora Montrose, Sarah Jane Bingham, and Mary Ellen Kehol,
15 and all others who shall under the provisions of this Act be-
come members of the said institution, shall be, and are hereby
declared to be a body politic and corporate in deed and in
name, by and under the name of "The Sisters of our Lady of Corporate
name.
"Charity and Refuge at Ottawa," for all each and every of the
20 purposes mentioned in the preamble of this Act; and by that
name shall have power from time to time, and at any time
hereafter, to purchase, acquire, possess, hold, exchange, accept,
and receive for themselves and their successors, all lands, tene-
ments, and hereditaments situate in the Province of Ontario,
25 not exceeding in annual value five thousand dollars; and to
the said property to mortgage, sell, alienate, or dispose of, and to
acquire other instead thereof for the purposes aforesaid; and
the majority of the members of the said corporation for the
time being shall have power and authority to make and esta- Power to make
by-laws.
30 blish such by-laws, orders, and regulations not being contrary
to this Act, nor to the laws in force in the Province of Ontario,
as shall be deemed useful and necessary for the interests of the
said corporation and for the management thereof, and for the
admission of members into the said corporation, and from time
35 to time to alter, change, or repeal the said by-laws, orders, and
regulations, or any of them, or those of the said institution in
force at the time of the passing of this Act: And shall and
may do, execute, and perform all and singular other the things
relating to the said corporation and the management thereof,
40 or which shall or may appertain thereto, subject, nevertheless,
to the rules, regulations, stipulations, and provisions hereinafter
prescribed and established.

2. Provided always that the rents, revenues, issues, and pro- Rents and
profits, how to
be applied.
fits of all the property, real and personal, held by the said cor-

poration shall be appropriated and applied solely to the purposes of the said corporation, and the payment of the expense-legitimately incurred in carrying out any of the objects above referred to.

Existing property and claims vested in the corporation.

Existing by-laws continued

Returns to be made to Government.

3. That all and every the estate and property, real and personal, belonging to or hereafter to be acquired by the members of the said institution as such, and all debts, rights, and claims whatever due to them in that quality, shall be and are hereby vested in the corporation hereby established: And the by-laws, orders, and regulations now made or to be made for the management of the said corporation shall be and continue to be the by-laws, orders and regulations of the said corporation until altered or repealed in the manner herein provided.

4. The said corporation shall, whenever required by Parliament or the Government of Ontario to do so, make a return to the Legislative Assembly of Ontario, stating the names of the members, number of penitents and persons received into the asylum, and the general state of the endowment and corporation.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to Incorporate The Sisters of our Lady of Charity and Refuge of Ottawa.

(PRIVATE BILL.)

First reading 11th January, 1871.

MR. SCOTT (Ottawa).

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 70.]

BILL.

[1871.

An Act to amend the Act passed in the thirty-second year of Her Majesty's Reign, chaptered thirty-two, and intituled "An Act respecting Tavern and Shop Licences."

WHEREAS it is expedient to give to Mayors in towns Preamble.
where there is not a Police Magistrate the same powers
in certain cases as that of a police magistrate: Therefore Her
Majesty by and with the advice and consent of the Legisla-
5 tive Assembly of the Province of Ontario, enacts as follows:

The twenty-fifth section of the Act passed in the thirty- 32 Vic. cap. 32
second year of the reign of Her Majesty Queen Victoria, and s. 25, amended.
chaptered thirty-two, be amended by inserting after the words
"before the Police Magistrate" in the ninth line of the said
10 section, the words "and in towns where there is no Police
Magistrate before the Mayor."

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty-two, and intituled, "An Act respecting Tavern and Shop Licences."

First Reading 11th Jan. 1871.

Mr. ANDERSON.

No. 71.]

BILL.

[1871.

An Act to amend an Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough and for other purposes.

WHEREAS the Rector of the town of Peterborough and the Churchwardens of St. John's Church in Peterborough, have by petition set forth that it is desirable that an Act passed by the Parliament of the late Province of Canada, in the twenty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, be amended, so as to extend the provisions of the said Act as to leasing Rectory lands within the said town of Peterborough, to Rectory lands without the said town of Peterborough; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

The second section of the said Act is hereby amended by 27 Vic., c. 87, striking out the words following, that is to say "forming part s. 2, amended. "of or belonging to the said Rectory within the said town of 15 " Peterborough."

BILL.

An Act to amend an Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough and for other purposes.

(*PRIVATE BILL.*)

First reading 11th January, 1871.

Mr. CARNEGIE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

MORRISON

No. 72.]

BILL.

[1871.]

An Act to amend the Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty-six and entitled an Act to amend and consolidate the Law respecting the assessment of property in the Province of Ontario.

WHEREAS it is expedient to amend the above recited Act; Preamble.
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

- 5 1. That the subsection numbered two of section one hundred and thirty-eight of the Act passed in the thirty-second year of the reign of Her present Majesty, and chaptered thirty-six be amended by adding the following words after the word sale in the fourteenth line; "Provided, nevertheless, that any
10 "person may at any time within twelve months from the day
"of sale take the place of the party so purchasing as afore-
"said, by paying to the Treasurer the full amount of arrears
"of taxes and costs accrued against lands sold for less than
"the taxes and costs, and the party who so pays to the
15 "Treasurer the full amount of taxes and costs shall be held to
"be the purchaser, and shall, if the lands be not redeemed
"be entitled to a deed for the same."

32 Vic. cap 26
s. 38 sub-s. 2
amended.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty-six, and intituled an Act to amend and consolidate the Law respecting the assessment of property in the Province of Ontario.

First Reading, 11th Jan., 1871.

Mr. CARNEGIE.

An Act to vest certain Real Estate in the Churchwardens of St. John's Church, in the Township of Ancaster, with authority to sell the same and to purchase other lands, and otherwise to apply the proceeds thereof.

WHEREAS the Reverend Featherston Lake Osler, Rural Preamble.
Dean and Rector of the township of Ancaster, the

Reverend Thomas Skelton Cartwright, Resident Minister of St. John's Church, in the township of Ancaster, Thomas Postans, and Henry Orton, M. D., Churchwardens of said church, and certain parishioners of the said church have, by their petition, set forth that the following land and premises, that is to say, all and singular that certain parcel or tract of land and premises situate, lying, and being in the township of Ancaster, 10 in the said county of Wentworth, being composed of part of lot number forty in the third concession of the said township of Ancaster, containing by admeasurement twenty-five acres of land be the same more or less, which said twenty-five acres of land are butted and bounded, or may be known and described 15 as follows, that is to say:—Commencing at a post planted on the division line between lots thirty-nine and forty in the said third concession, at the distance of forty-three chains and fifty links from the front thereof, then south thirteen degrees, east ten chains twenty-five links; thence north twenty-five degrees 20 and thirty minutes east fifteen chains sixty-three and one half links; thence north thirteen degrees west eighteen chains and fifty links more or less, to the southern boundary of Daniel Shaver's land; thence south-westerly along the said Daniel Shaver's boundary line, sixteen chains and thirty-three links 25 and one half, more or less, to the place of beginning, together with all houses, woods, and waters thereon, and all and singular the hereditaments and appurtenances to said premises in any wise belonging, were by a certain Indenture bearing date on or about the twenty-second day of May, A.D. 30 1822, conveyed to Samuel Tisdale and George Rousseaux in their lifetime, as churchwardens of the said church, upon the trusts and for the purposes following, that is to say, to and for the use, occupation, enjoyment, and accomodation of a resident clergyman or clergymen of the Episcopal or established Church 35 of England, his and their successors in ministry for ever; That the said Samuel Tisdale and George Rousseaux have departed this life, and that the said Thomas Postans and Henry Orton are the present churchwardens of the said church; That the said land and premises were purchased by the voluntary subscriptions of the parishioners of the said church, for the use 40 occupation, enjoyment, and accommodation of the Resident Clergyman or Clergymen of the said church; That the said lands and premises are not now suitable for the purposes for

which the same were purchased, and that it is advisable to sell the same, and with the proceeds thereof to purchase a parcel of land more convenient to the said church, and to apply any surplus in and towards the erection of a parsonage on the land so to be purchased; And the petitioners have 5 prayed that an Act may be passed to vest the said lands and premises in the said Thomas Postans and Henry Orton as such churchwardens, and their successors and assigns, with power to sell the same, and with the proceeds thereof to purchase other 10 lands, and to apply any surplus towards the erection of a parsonage thereon, such last lands to be held by the said Thomas Postans and Henry Orton, and their successors and assigns, upon the trusts and for the purposes aforesaid; And whereas it is expedient to grant the prayer of the said petitioners; Therefore, Her Majesty, by and with the advice and consent of 15 the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands vested in the churchwardens of St. John's Church upon trust.

1. The said lands and premises hereinbefore described, with all their rights, members and appurtenances, are hereby vested in the said Thomas Postans and Henry Orton, churchwardens of the said St. John's Church, and their successors in office and assigns forever, upon trust, to hold the same, to, and for the uses and purposes in the said deed contained, until the same shall be sold as hereinafter provided. 20

Churchwardens to sell the lands.

2. The said Churchwardens are hereby authorized and 25 required to sell the said lands and premises for the best price that can be got for the same, and to convey the said lands and premises to the purchaser or purchasers thereof.

Purchasers not liable for the application of the purchase money.

3. No person or persons, body or bodies corporate, who shall purchase the said lands and premises, shall be in any way bound 30 to see to the application or answerable for the non-application of the said purchase money or of any part thereof.

Application of the proceeds of the purchase money.

4. From and out of the said purchase money, the said churchwardens or their successors, shall with all due diligence, purchase a parcel of land suitable for the purposes of a parsonage, 35 and grounds for the resident clergyman or clergymen of the said church, in the vicinity of and convenient to the said church, and shall apply any surplus in and towards the erection of a suitable dwelling house upon the said last mentioned parcel of land, 40

Land purchased for a parsonage to be held by the churchwardens in trust.

5. The said last mentioned parcel of land when purchased, shall be held by the said churchwardens, and their successors in office, upon trust, and to and for the uses and purposes in and by the said deed provided, and which trust, uses, and purposes, are in the preamble of this Act set forth. 45

BILL.

An Act to vest certain Real Estate in Church Wardens of St. John's Church the Township of Ancaster, with authority to sell the same and to purchase other and otherwise to apply the proceeds thereof.

PRIVATE BILL.

First Reading, 12th January, 187.

Mr. SEXTON

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING

4th Session, 1st Parliament, 34 Victoria,

An Act to revive the Act incorporating The "Hamilton Masonic Hall Association."

WHEREAS by an Act passed in the twenty-sixth year of Preamble.

Her Majesty's reign, intituled, "An Act to incorporate The 'Hamilton Masonic Hall Association,'" and chaptered thirty, certain persons and all such other persons as should
5 thereafter become members of the association, were thereby declared to be a body politic and corporate, for the purpose and with the powers therein mentioned; And whereas, the majority of the corporators therein named have represented that, by mere inadvertance, the promoters of the said Act
10 omitted to organize in the manner prescribed by the said Act within the time thereby limited, and that more than four hundred shares in the capital stock have now been subscribed, and have prayed that the said Act may be revived, and it is expedient to grant the prayer of such petition; Therefore Her
15 Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act aforesaid is hereby revived and continued, and all and singular the powers and authorities thereby conferred upon the parties becoming subscribers to the capital stock are
20 hereby granted to the persons who have subscribed, or who shall hereafter subscribe thereto, and all and every the clauses, provisoes, stipulations and conditions in the said Act contained shall apply to the persons incorporating themselves under this Act as fully as if the same had been herein repeated and
25 re-enacted.

2. The parties who have subscribed as aforesaid, or who may hereafter subscribe, or a majority of them, may call a meeting of such subscribers at such time and place in the city of Hamilton, as they shall deem meet, by public notice, to be
30 published at least eight days before such meeting, in one newspaper published in such city at which meeting or at some adjournment thereof, the majority of the subscribers then assembled shall choose seven directors, being respectively proprietors of at least four shares in the undertaking, of whom
35 four shall be a quorum for managing, governing and carrying on the affairs of the said company.

3. Such directors shall hold office until the annual meeting, to be held on the first Wednesday in May after their election, or until their successors are appointed; but it shall be competent
40 to the shareholders or the directors to fix any other day, by by-law or resolution, for such general meeting; notice in all cases of such meeting being given as hereinbefore provided.

26 Vic., cap.
30, revived.

Meeting for
election of
directors.

Annual meet-
ing.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to revive the "Act incorporating
The 'Hamilton Masonic Hall Association.'"

(*PRIVATE BILL.*)

First Reading, 12th Jan., 1871.

MR. WILLIAMS (*Hamilton*).

TORONTO:

An Act to empower the West Middlesex Agricultural Society to Sell certain Lands.

WHEREAS the Electoral Division of West Middlesex Preamble.
County Agricultural Society have petitioned for power
to Sell broken lots numbers twenty-seven, in the third concession
and eighteen in the fourth concession, north of the Egremont
5 Road, in the Township of Adelaide, in the County of Middlesex
and Province of Ontario, which said broken lots have been granted
and patented to the said Agricultural Society to be held in trust
by the said Agricultural Society for a model or experimental
farm or farms, and for the purposes of the said Society; and it is
10 expedient and proper to grant the prayer of the petition on be-
half of the said Society: Therefore Her Majesty by and with
the advice and consent of the Legislative Assembly of the
Province of Ontario, enacts as follows:—

1. The said Electoral Division of West Middlesex Agricul- Power to
15 tural Society shall have power to sell, convey, and dispose of, Society to sell
broken lot number twenty-seven in the third concession north and convey
of the Egremont Road, and broken lot number eighteen in certain lands.
the fourth concession north of the said Egremont Road, all of
the Township of Adelaide in the County of Middlesex and
20 Province of Ontario, either or both thereof, notwithstanding any
trusts in the said grant thereof contained.

2. All sales and conveyances of said lands that may have Former sales
been made by the said Agricultural Society shall be and the and convey-
same are hereby confirmed. ances con-
firmed.

BILL.

An Act to Empower the West Middlesex
Agricultural Society to Sell certain Lands.

(PRIVATE BILL.)

First Reading, 12 Jan., 1871.

Mr. CURRIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

No. 76.]

BILL.

[1871.

An Act to amend the Act chaptered thirteen of the Consolidated Statutes for Upper Canada, and intituled "an Act respecting the Court of Error and Appeal."

WHEREAS it is expedient to amend chapter thirteen of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the Court of Error and Appeal;" Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. That section twenty-eight of the said Act is amended, so as to read as follows ; "An Appeal shall lie all cases in which a Rule Nisi to quash a by-law of a Municipal Corporation in whole or in part has either been discharged or made absolute."

Con. Stat. U.
C. cap. 13 s.
28 amended.

BILL.

An Act to amend the Act chaptered thirteen of the Consolidated Statutes for Upper Canada, and intituled "an Act respecting the Court of Error and Appeal."

First Reading, 12th Jan., 1871.

MR. HAYS.

TORONTO :

PRINTED BY HUNTER, ROSE & CO., KING ST.

No. 76.]

BILL.

[1871.

An Act to amend the Act intituled "An Act respecting the Court of Error and Appeal," and to amend the Act intituled "An Act for quieting titles to real estate in Upper Canada."

WHEREAS it is expedient to amend chapter thirteen of the Consolidated Statutes for Upper Canada, and the Act passed in the twenty-ninth year of Her Majesty's reign, chaptered twenty-five; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. That section twenty-eight of the said Act chaptered thirteen is amended, so as to read as follows; "An Appeal shall lie in all cases in which a Rule Nisi to quash a by-law of a Municipal Corporation in whole or in part has either been discharged or made absolute."

Con. Stat. U.
C. cap. 13 s.
28 amended.

2. Section forty-six of the said Act chaptered twenty-five is hereby amended to read as follows:—

29 Vic., c. 25,
s. 46.

13 "An appeal shall lie from any order or decision of a judge under this Act to the full court, or to the Court of Error and Appeal, and also from any order or decision of the full court to the said Court of Error and Appeal, as in the case of orders, decrees, rules and judgments in suits."

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act chaptered thirteen of the Consolidated Statutes for Upper Canada, and intituled "An Act respecting the Court of Error and Appeal."

(Reprinted as amended by Special Committee.)

First Reading, 12th Jan., 1871.

Mr. Hays,

An Act to authorize the Courts of Queen's Bench, Common Pleas, and Chancery for Ontario, to admit John Netterville Blake to practise as an Attorney and Solicitor therein.

WHEREAS John Netterville Blake, of the City of Toronto, hath by his petition set forth, that in the year one thousand eight hundred and sixty-two he was duly articulated to a practising Attorney and Solicitor for the term of five years, and that he served under said articles and assignments thereof for the period of three years and seven months, and that in Easter Term one thousand eight hundred and sixty-seven he passed the required examination, and was duly called to the Bar of Ontario, and that his name now remains upon the books of the Law Society of Ontario, as a Barrister thereof; and that in the year one thousand eight hundred and sixty-nine, he bound himself as clerk to a practising Attorney and Solicitor for the term of one year, (being the term of service by law required of him under articles of clerkship before he could be admitted to practise as an Attorney and Solicitor,) and that owing to circumstances in said petition particularly set forth, he was unable to serve the said term of one year; And whereas the said John Netterville Blake is desirous of being admitted to practise as an Attorney-at-Law and Solicitor in Chancery, under the circumstances, without serving the term of one year required by law under articles of clerkship; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario respectively, on sufficient proof being given that the said John Netterville Blake has duly passed the examination required previous to being called to the Bar, and that he has been duly called to the Bar and that his name now remains upon the books of the Law Society of this Province as a Barrister thereof to admit the said John Netterville Blake as an Attorney and Solicitor of said Courts respectively, any law or usage to the contrary notwithstanding.

J. H. Blake
to be admitted
an Attorney
and Solicitor
on certain conditions.

BILL.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit John Netherville Blake to practise as an Attorney and Solicitor therein.

(*PRIVATE BILL.*)

First Reading, 12th January 1871.

Mr. HAYS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

PRINTED BY HUNTER, ROSE & Co., 1871.

An Act to amend the Act intituled "An Act respecting Municipal Institutions of Upper Canada."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-sections three, four and five of section sixty-six, and section sixty-seven of the said Act, passed in the session of the Parliament of the former Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, and section six of the Act passed in the thirty-first year of Her Majesty's reign, chaptered thirty, are hereby repealed, and the following substituted therefor, which shall be read respectively as part of the said Act, chaptered fifty-one in lieu of the section and sub-sections repealed, that is to say :

29 & 30 Vic.
cap. 51, s. 66,
sub-s. 3, 4 & 5,
and sec. 67,
repealed.
31 Vic. cap.
30, s. 6.

2. For said sub-section three the following is substituted :—

15 "The council of every town shall consist of the Mayor, who shall be the head thereof, and of two councillors for every ward, and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of five hundred duly

20 qualified electors on the last revised assessment roll, then a deputy reeve shall be added, and for every additional five hundred duly qualified electors on such roll, there shall be elected an additional deputy Reeve."

29 & 30 Vic. c.
51, s. 66, sub-s.
3.
Councils in
Towns.

3. For said sub-section four, the following is substituted :—

25 "The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of five hundred duly qualified electors on the last revised assessment roll, then of a reeve, deputy reeve and three councillors, and for every additional five

30 hundred duly qualified electors on such roll, there shall be elected an additional deputy reeve instead of a councillor."

29 & 30 Vic.
c. 51, s. 66,
sub-s. 4,
Councils in
Villages.

4. For said sub-section five the following is substituted :—

35 "The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, and if the township had the names of five hundred duly qualified electors on the last revised assessment roll, then the council shall consist of a reeve, deputy reeve, and three councillors, and for every

40 additional five hundred duly qualified electors on such roll, there shall be elected an additional deputy reeve instead of a councillor."

29 & 30 Vic.
cap. 51, s. 66,
sub-s. 5,
Councils in
Townships.

5. For said sub-section sixty-seven the following is substituted :—

29 & 30 Vic.
c. 51, s. 67,

Certificates to
be filed by
reeves and
deputy reeves.

tuted :—" No reeve or deputy reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a certificate under the hand and seal of the Township, Village or Town Clerk, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such reeve or deputy reeve ; nor in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk, or other person, having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred duly qualified electors in the municipality for the first deputy reeve elected for such municipality, and that no alteration reducing the limits of the municipality and the number of duly qualified electors within five hundred for each additional deputy reeve, since the said rolls were last revised, has taken place."

29 & 30 Vic.
c. 51, s. 296,
sub-s. 12,
amended.

6. Sub-section twelve of section two hundred and ninety-six of the said Act, chaptered fifty-one, is amended by striking out all the words after the word " Runners " in said sub-section.

BILL.

An Act to amend the Act entitled An Act respecting Municipal Institutions in Upper Canada.

First Reading 13th January, 1871.

MR. RYKERT.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That section six, of chapter thirty, of the Act passed in 31 V., ch. 30, the thirty-first year of Her Majesty's reign, be amended by s. 6, amended. adding the following words after the word "ward" on the third line of said section :—"When there are less than five wards, and of two councillors for each ward where there are five or more wards."
- 10 2. Sub-section twelve of section two hundred and ninety-six 29 & 30 Vic. of the Act passed in the session held in the twenty-ninth and c. 51, s. 296, thirtieth years of Her Majesty's reign, chaptered fifty-one, is sub-s. 12, amended. amended by striking out all the words after the word "Runners" in said sub-section.
- 15 3. That sub-section (a) of sub-section six of section two hundred and forty-six of the said Act be repealed, and the following S. 246, sub-s. 6 (a) amended. be substituted in lieu thereof :—"Upon any person, for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause be shown therefor, or takes 20 the declaration of office, or afterwards neglects the duty thereof, and."
- 25 4. The council of every municipality may pass by-laws for preventing and removing any obstruction upon any roads or bridges within its jurisdiction. Power to prevent obstruction to roads.
- 30 5. That sub-section eight of section two hundred and ninety-nine of the said Act be amended by adding thereto the following:—"And for acquiring and assuming possession of, and control over, any public highway or road in an adjacent municipality (by and with the consent of such municipality, the same being 30 signified by a by-law passed for that purpose), for a public avenue or walk; and to acquire from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road, to increase the width thereof, to 35 the extent of one hundred feet or less, subject to the provisions of section three hundred and twenty-five of this Act, and to other provisions of this Act relating to arbitration."
- 40 6. The following sub-section is added to section three hundred and forty-nine of said Act :—"For granting bonuses to any railway, and for issuing debentures, payable at such time or S. 349 amended.

times, and bearing or not bearing interest, as the municipality may think meet for the purpose of raising money to meet such bonuses."

S. 341
amended.

7. That section three hundred and forty-one of the said Act be amended by adding, after the words "Separating two town- 5 ships in the county," the following:—"And over all bridges crossing rivers, over six hundred feet in width, within the limits of any village in the county, and connecting any highway leading through the county."

S. 342
amended.

8. And that section three hundred and forty-two of said 10 Act be amended as follows, by adding thereto the following words:—"And shall cause to be built and maintained in like manner, all bridges on any river over six hundred feet in width, within the limits of any village in the county, necessary to connect any public highway leading through the county." 15

S. 344, sub-s.
3, amended.

9. That sub-section three of section three hundred and forty- 20 four of said Act be amended by adding thereto, after the words "Townships of the county," the words: "Or any bridge required to be built or made across any river, over six hundred feet in width, within any incorporated village in the county, 20 connecting any public highway leading through the county."

31 V., ch. 30,
s. 29, amended.

10. That section twenty-nine of chapter thirty, passed in the thirty-first year of Her Majesty's reign, be amended by striking out the proviso at the end thereof.

No. 78.]

BILL

[1871.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section six, of chapter thirty, of the Act passed in the thirty-first year of Her Majesty's reign, be amended by adding the following words after the word "ward" on the third line of said section :—"When there are less than five wards, and of two councillors for each ward where there are five or more wards."

2. Sub-section twelve of section two hundred and ninety-six of the Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty one, is amended by striking out all the words after the word "Runners" in said sub-section.

3. Sub-section (a) of sub-section six of section two hundred and forty-six of the said Act be repealed, and the following be substituted in lieu thereof :—"Upon any person, for the non-performance of his duties, who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause be shown therefor, or takes the declaration of office, or afterwards neglects the duty thereof, and."

4. The council of every municipality may pass by-laws for preventing and removing any obstruction upon any roads or bridges within its jurisdiction.

5. Sub-section eight of section two hundred and ninety-nine of the said Act be amended by adding thereto the following :—"And for acquiring and assuming possession of, and control over, any public highway or road in an adjacent municipality (by and with the consent of such municipality, the same being signified by a by-law passed for that purpose), for a public avenue or walk ; and to acquire from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road, to increase the width thereof, to the extent of one hundred feet or less, subject to the provisions of section three hundred and twenty-five of this Act, and to other provisions of this Act relating to arbitration."

6. The following sub-section is added to section three hundred and forty-nine of said Act :—"For granting bonuses to any railway, and for issuing debentures, payable at such time or

times, and bearing or not bearing interest, as the municipality may think meet for the purpose of raising money to meet such bonuses."

S. 341
amended.

7. Section three hundred and forty-one of the said Act be amended by adding, after the words "Separating two townships in the county," the following:—"And over all bridges crossing rivers, over five hundred feet in width, within the limits of any incorporated village in the county, and connecting any highway leading through the county."

S. 342
amended.

8. Section three hundred and forty-two of said Act be amended as follows, by adding thereto the following words:—"And further the county council shall cause to be built and maintained in like manner, all bridges on any river over five hundred feet in width, within the limits of any incorporated village in the county, necessary to connect any public highway leading through the county," and may pass any by-law for the purpose of raising any money by toll on such bridge to defray the expense of making and repairing the same.

S. 344, sub-s.
3, amended.

9. Sub-section three of section three hundred and forty-four of said Act be amended by adding thereto, after the words "Townships of the county," the words: "Or any bridge required to be built or made across any river, over five hundred feet in width, within any incorporated village in the county, connecting any public highway leading through the county."

29 & 30 Vic.
c. 53, sections
301 & 302,
amended.

10. Sections three hundred and one and three hundred and two of the said Act shall apply to towns and incorporated villages as well as to cities; Provided always, that the right of appeal as provided by the said three hundred and first section shall be to the judge of the county court.

S. 301, sub-s. 2
amended.

11. Sub-section two of section three hundred and one of said Act be amended by inserting the following words after the word "sidewalk," in the sixth line, "or any bridge forming part of the highway."

S. 302 amend-
ed.

12. Section three hundred and two of the said Act be amended by adding to the end thereof the following proviso:

Local im-
provements,
cost of.

"Provided also, that in cases where the council of any city or town shall decide to contribute at least half of the cost of such local improvement, it shall be lawful for the said council to assess and levy in manner provided by the three hundred and first, three hundred and second, three hundred and third, three hundred and fourth and three hundred and fifth sections of this Act, from the owners of real property to be directly benefitted thereby, the remaining portion of such cost without petition therefor, unless the majority of such owners representing at least one-half in value of such property shall, within one month after the publication of a notice of such proposed assessment in at least two newspapers published in such city or town, petition the council against such assessment."

S. 341, sub-s.
12 amended.

13. Sub-section twelve of section three hundred and forty-one of said Act be repealed, and the following substituted therefor:

"It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines; and in the case of a bridge over a river forming a boundary line between a county and a city, such bridge shall be erected and maintained by the councils of the county and city; and in case the councils of such county and city, or the councils of such counties, fail to agree on the respective portions of the expense to be borne by the several counties, or city and county, it shall be the duty of each council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final."

Bridges over
rivers forming
boundaries.

14. The following sub-section be added to section two hundred and eighty of said Act:

S. 282 amend-
ed.

"Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstructions, may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality; and it shall be the duty of such last named Council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality to the satisfaction of any person whom the council of the county in which the municipality is situate shall appoint, to inspect the same."

Obstructions
to streams.

15. Section two hundred and forty-three of the said Act be amended, by adding, "or thirty duly qualified electors of any municipality" after the word "council" in the first line.

16. Any by-law which shall be carried by a majority of the duly qualified voters voting thereon, shall, within six weeks thereafter, be passed by the council which submitted the same.

17. Section twenty-seven of the said Act is repealed, and the following enacted in lieu thereof:

"In case a township laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships, lying adjacent to one another to any adjacent incorporated county."

18. Sections twenty-nine and thirty-five of chapter thirty of the Act passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign, shall be and the same are hereby repealed.

31 V., c. 30, ss.
29, 35 re-
pealed.

10, 13,

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act intituled, 'An
Act respecting the Municipal Institutions
of Upper Canada.'

*(Reprinted as amended by Committee of the
Whole House.)*

First Reading 30th January, 1871.

Second " 1st February, "

MR. GRAHAME (*York*).

An Act for the relief of the Estate of the late John Flanagan, of the Township of Charlottenburgh, in the County of Glengarry.

WHEREAS it has been represented to the Legislature of Preamble.

Ontario that John Flanagan, late of the Township of Charlottenburgh, in the County of Glengarry, Farmer, died on or about the fifteenth day of August in the year of our Lord 5 one thousand eight hundred and sixty-two having first duly made his will and a codicil thereto bearing date the tenth and twenty-ninth days of June in the year of our Lord one thousand eight hundred and sixty-two respectively whereby he gave and devised his homestead in the said will and codicil particularly described being composed of certain lots in the broken 10 front and first concessions of the said Township or parts thereof containing about three hundred acres and more particularly described in the schedule hereto to his sons Robert Flanagan and John Flanagan in certain shares or proportions subject to 15 certain trusts for the maintenance and support of the testator's widow and the maintenance support education and advancement in life of the other children of the testator of whom there were five and who were then under age: That the said John Flanagan appointed his widow Elizabeth Ann Flanagan Executrix and Darby Bergon and Walter Colquhoun Executors of 20 his Estate and directed them to pay his debts but the said will contains no power express or implied enabling the devisees or the executors or any of them to sell or mortgage the estate or any part thereof free from the trusts of the said will with the 25 exception of an obscure and doubtful power to mortgage that part devised to John Flanagan to the extent of four hundred and twenty-five pounds for the payment of debts: That the said executrix and executors duly proved the said will and codicil after the death of the said John Flanagan and it was then 30 discovered that the debts very largely exceeded the value of the testators' personal Estate and fell not far short of the value of his whole estate both real and personal: That after the death of the Testator his son Robert Flanagan in accordance with the directions contained in the testators will carried on the farming 35 business upon the homestead for the benefit of his mother himself and his brothers and sisters with the exception of his brother John who soon afterwards left this Province and went abroad and who lately for a nominal consideration released to the said Robert Flanagan all his interest in the testators homestead: That the said Robert Flanagan out of the produce of the 40 said farm has hitherto complied with the directions of the testators will in respect of the maintenance and support of his mother the said Elizabeth Ann Flanagan and of the maintenance, support, education and advancement of his younger 45 brothers and sisters, with the exception of John, and has besides paid large sums in satisfaction of the debts of the testator and

in keeping down the interest thereon: That the said Robert Flanagan also in the year one thousand eight hundred and sixty-four under the power in that behalf contained in the codicil of the testator's will mortgaged the part of the farm devised to John for sixteen hundred dollars for the purposes of the estate 5 but has been unable to repay the money although it is long overdue: That besides the said sum of sixteen hundred dollars there is still due and unpaid of debts of the testator the sum of two thousand five hundred dollars or thereabouts and several of the creditors are pressing their claims by means of judgment 10 and execution against the said homestead and that unless relief is granted by the Legislature the lands of the testator will be sold and the provision made by the testator for his family will be lost: That the said Robert Flanagan has borrowed from friends who have advanced the same to him on his own re- 15 sponsibility the sum of two thousand seven hundred dollars or thereabouts which he has applied to the purposes of the estate and which by reason of the said Robert Flanagan and the other children of the testator having no other fortune or means than that derived under the will of the testator can only be repaid 20 out of the proceeds of the farm: And whereas the said Robert Flanagan and the executrix and the executors of the said estate have by their Petition represented that if power to sell or mortgage the said homestead or farm of the Testator free from the trusts contained in the said will and codicil to satisfy the re- 25 maining claims against the estate were conferred on the said Robert Flanagan he the said Robert Flanagan would thereby be enabled to maintain and support the widow and the other children of the Testator and also ultimately save the homestead or part of it for his own use and have prayed that such 30 power should be granted to the said Robert Flanagan by the Legislature; And whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: 35

Power to R.
Flanagan to
sell certain
lands.

1. The said Robert Flanagan is hereby empowered from time to time to sell and convey the homestead of the said John Flanagan in the said will and codicil mentioned or any part thereof in fee simple or for any less estate to any person or persons for such sum or sums of money and upon such terms as to payment 40 of the purchase money in cash or on credit or to be secured by mortgage of the premises sold or otherwise as he the said Robert Flanagan may think fit.

Power to
Mortgage.

2. The said Robert Flanagan is also hereby empowered from time to time to borrow or raise by mortgage or charge of the 45 said homestead or any part thereof any sum or sums of money he may think fit and for that purpose to convey and assure the same in fee simple or for any less estate to any person or persons willing to lend such sum or sums upon such terms as to repayment thereof and at such rate of interest and with and sub- 50 ject to such powers provisoes and conditions including powers of sale, leasing and distress as are usual or as he the said Robert Flanagan may think fit.

Mortgagee to
hold the land
free from the
claims of the
Widow or
the children

3. Every such sale, mortgage or charge shall be and the pur- 55 chaser, mortgagee or chargee his heirs, executors, administrators or assigns shall hold the land so purchased mortgaged or charged free and absolutely discharged from the dower of the widow of

the said John Flanagan and from the trusts in the said will of the late and codicil contained or any of them and from the claims of J. Flanagan. every kind of the widow and children of the Testator or any or either of them under and by virtue of the said will and codicil.

5 4. No such purchaser, mortgagee or chargee paying or advancing any sum or sums of money to the said Robert Flanagan upon any such sale, mortgage or charge shall be required to enquire whether any such sale, mortgage or charge is necessary for the purposes of the estate of the Testator or to see to the application or be responsible or answerable to any person or persons whomsoever for the misapplication or non-application of any sum or sums so paid or advanced. Purchasers not required to see to the application of purchase money.

15 5. It shall be the duty of the said Robert Flanagan to apply the purchase money arising from any such sale or sales and the money raised by any such mortgage or charge after payment of the expenses of this Act and other necessary expenses in and towards satisfaction of the debts of the Testator and of any obligations heretofore incurred or hereafter to be incurred by the said Robert Flanagan for purposes of the Testator's estate and in and towards the execution of the trusts of the will and codicil of the said estate and save to the extent of giving full validity and effect to any such sale, mortgage or charge as is by this Act authorized to be made, the rights of the persons interested under the said will and codicil shall not be affected by 25 this Act. Application of the money received by the sale or mortgage of the property.

30 6. This Act may be registered in the Registry Office of the County of Glengarry in the same maner and with the like effect and upon payment of the like fees as if the same had been a deed relating to the said lands and the Registrar shall register the same upon production to and deposit with him of a copy thereof purporting to be printed by authority. Registration of this Act.

SCHEDULE.

DESCRIPTION OF THE LAND REFERRED TO IN THE PREAMBLE OF THIS ACT.

The west half of lot number six, lot number seven and the front part of lot number eight, in the broken front concession of the Saint Regis Indian Reservation, in the Township of Charlottenburgh aforesaid, that is to say : Commencing at the water's edge of the River Saint Lawrence in the centre of the said lot number six ; thence north twenty-one degrees thirty minutes west sixty-eight chains forty links more or less to the limit between the broken front and first concessions ; thence south sixty-eight degrees thirty minutes west seventeen chains forty-five links more or less to the lands formerly granted to Michael Purcell in the said lot number eight ; thence south twenty-one degrees thirty minutes east thirty-three chains, eighteen links ; thence south sixty-eight degrees thirty minutes west four chains, eighty-nine links more or less to the limit between lots numbers eight and nine ; thence south twenty-one degrees thirty minutes east twenty chains twenty-nine links more or less to the River St. Lawrence aforesaid ; and thence south-easterly along the said water's edge to the place of beginning ; containing one hundred and thirty acres ; subject

to the reservation by the crown of free access to the shore of the River Saint Lawrence for all vessels, boats and persons.

Also, the front parts of lots numbers six, seven, eight and nine, in the first concession of the Saint Regis Indian Reservation, in the aforesaid Township of Charlottenburgh, that is to say : Commencing in the limit between the broken front and first concessions at the south-east angle of the said lot number six ; thence north twenty-one degrees thirty minutes west twenty chains forty links more or less to the lands formerly granted to Angus Durocher in the said lot number six ; thence south sixty-eight degrees thirty minutes west nine chains seventeen links more or less to the limit between lots numbers six and seven ; thence north twenty-one degrees thirty minutes west forty-nine chains more or less to the centre of Gray's Creek ; thence south-westerly and westerly, following the said centre of the said creek to the allowance for road between lots numbers nine and ten ; thence south twenty-one degrees thirty minutes east forty-two chains fifteen links more or less to the limit between the broken front and first concessions aforesaid ; thence north sixty-eight degrees thirty minutes east twelve chains forty-nine links ; thence south twenty-one degrees thirty minutes east twenty-one chains ninety-three links more or less to the said limit between the broken front and first concessions ; and thence north sixty-eight degrees thirty minutes east twenty-two chains seventy-two links more or less to the place of beginning ; containing one hundred and eighty-two acres and a half.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act for the Relief of the Estate of the late John Flanagan of the Township of Charlottenburgh, in the County of Glengarry.

(PRIVATE BILL.)

First Reading, 15th Jan., 1871.

Mr. CRAIG.

TORONTO:

An Act to amend the Acts incorporating the Consumers' Gas Company, of Toronto.

WHEREAS the Consumers' Gas Company of Toronto have petitioned for an Act to amend their charter, by providing for its protection in respect of shares or stock of said Company held in trust, and it is expedient to grant and allow such amendment: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The Consumers' Gas Company of Toronto shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock may now or may hereafter be subject; and the receipt of the party in whose name any such share or shares stand in the books of the Company, or if such share or shares stand in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Company for any payment of any kind made in respect of such share or shares, or the dividends thereof, notwithstanding any trust to which such share or shares may then be subject, and whether or not such Company has had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see the execution of any trust of its stock.

The receipt of one of the parties in whose name shares stand to be a discharge.

BILL.

An Act to amend the Acts incorporating
the Consumers' Gas Company, of Toronto.

(*PRIVATE BILL.*)

First Reading, 13th Jan., 1871.

Hon. M. C. CAMERON.

TORONTO:

An Act to close part of Church Street in the City of London, and vest the same in the Corporation of the said City.

WHEREAS the Corporation of the City of London have by Preamble.
 their petition prayed that the portion of a highway in the City of London known as Church Street, Mark Lane, or an allowance for road between the boundaries hereinafter described, may be closed, and the same vested in the said Corporation and their successors or assignees, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

- 10 **1.** The highway called Church Street in the City of London, Part of Church Street closed and the freehold vested in the Corporation of London.
 from a Board of Ordnance Monument planted on the east side of said street, and at the south limit of lot number fourteen on the east side of said Church Street, extending southerly and westerly known as Church Street, Mark Lane, or as an allowance
- 15 for a public highway until the same intersects a public highway known as Sarnia Street, Mark Lane or Church Street continued is hereby declared to be closed, and the soil and freehold thereof forever vested in the Corporation of the City of London, their successors or assigns.
- 20 **2.** The highway by this Act declared to be closed and vested in the Corporation of the City of London may be known as follows, commencing at the Board of Ordnance Monument at the north-west angle of the Exhibition grounds, then south twenty degrees and two minutes east along the west boundary of the
- 25 Exhibition grounds ten chains and fifty one and a half links, more or less, to the Board of Ordnance Monument; thence south twenty-five minutes east five chains and sixty-nine links, more or less, to an angle in Church Street; thence southerly along the east boundary line of Church Street to Great Market Street
- 30 one hundred and ninety-nine and one half links, more or less; thence westerly twenty links, more or less, to the east boundary line of Sarnia Street continued south to Great Market Street; thence northerly along said boundary line five chains, more or less, to the west boundary line of Church Street; thence
- 35 northerly along the west boundary line of Church Street (on two different bearings,) twelve chains and fifty links, more or less, to meet the northerly boundary line of the Exhibition grounds continued westwardly; thence easterly one chain to the place of beginning, containing one acre, one rood and thirty-
- 40 six perches, more or less.
- 3.** The Corporation of the City of London or their successors Corporation may sell the land.
 in office may sell and convey the said land or any part thereof in fee simple.

BILL.

An Act to close part of Church Street in the City of London, and vest the same in the Corporation of the said City.

(*PRIVATE BILL.*)

First Reading, 18th Jan., 1871.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to enable the Trustees of the Stamford Presbyterian Church to sell lands held by them for the use of the Congregation, and for other purposes.

WHEREAS it hath been made to appear, by the petition of Preamble.

John Mitchell and others, elders, and members of the congregation of the Stamford Presbyterian Church, that by letters patent bearing date the sixth day of April, in the year
5 of our Lord one thousand eight hundred and five, a certain parcel of land, containing by admeasurement one hundred and fifty acres, be the same more or less, being lots number fifty-five and the east half of lot number forty-four, in the township of Stamford, in the county of Welland, were granted to John
10 Reilly, Esq., Peter Thompson, Archibald Thompson, Thomas McMicking, and James Cooper, yeomen, in trust for the Presbyterian congregation of the township of Stamford, their heirs and assigns, for ever; that the said John Reilly, Esq., and all other of the original trustees named in said letters patent, are
15 now dead, and that but two of their heirs and assigns, viz., John Thompson and David Thorburn, are now members of the said Presbyterian congregation; And whereas no provision is made in said letters patent for the appointment of successors in office to the said original trustees; And whereas the said John
20 Mitchell and others have, by their petition, dated the twenty-second day of December, A.D. 1870, prayed that an Act might be passed to enable the trustees to sell land, to regulate the appointment of their successors, and for other purposes; and it is expedient to grant the prayer of said petition; Therefore Her
25 Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said lands and all estate and interest therein of Certain lands
the grantees named in said letters patent shall be, by virtue of vested in
this Act, and from henceforth be deemed to be, and are hereby trustees.
30 vested in fee simple in David Thorburn, of Queenston, Esquire, William Parker, John Thompson, of Stamford, Robert Niven, of Niagara township, and William Morrison, of Stamford township, yeomen, who were, at a special congregational meeting held on the fifteenth day of November, in the year of our
35 Lord one thousand eight hundred and seventy, after due notice, and by and with the consent of certain of the heirs and assigns of the original trustees, nominated for this purpose, and they are declared to be the trustees to hold, sell, or deal with the said lands for the benefit of the aforesaid Presbyterian con-
40 gregation, until the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-one, or until their successors, who shall enjoy the same rights, privileges and powers of the aforesaid trustees, shall be appointed as hereinafter mentioned, when the two senior trustees, being

the first two named, shall cease to hold office, and two trustees shall be chosen by the congregation at their annual meeting, Provided that the trustees so vacating office shall be eligible for re-election, and the names of the trustees so chosen shall be placed at the foot of the general body of trustees, and the like practice shall be continued in each succeeding year. 5

Powers as to lands.

2. It shall be lawful for the trustees for the time being to make sale of the whole or any part of said lands, at such times and prices, and at such terms and by private or public sale, as they may deem best, and with power to take mortgages to secure the purchase moneys or any part thereof; Provided that the said sale or sales may be subject to the rights of the lessees under the leases now granted of part of said lands; and the said trustees shall have the power to take a surrender of any of the said leases upon such terms as may be agreed upon. 15

Election of chairman and treasurer.

3. At the first meeting of the said trustees they shall elect a chairman and secretary treasurer for the current year, and all future meetings shall be called by the chairman, either by a written notice to each trustee or by notice from the pulpit on the Sunday of the week preceding the date of meeting. 20

Meetings.

Quorum;
vote of chairman.

4. A majority of said trustees shall be a quorum for the transacting of business, and the chairman shall only be entitled to vote in case of an equality of votes, when he shall have the casting vote.

Secretary to keep a record of proceedings.

5. It shall be the duty of the secretary to record, in a book to be kept for that purpose, which book shall be the property of the trustees for the time being, all proceedings and minutes of meetings, and the same may be inspected by any member of the congregation at all reasonable times. 25

Vacancy among trustees, how filled.

6. In case of the death, removal, refusal to act, or of having ceased to be a member of said congregation of any person appointed to act as a trustee, the vacancy may be filled by the election of another member of the said congregation by the remaining trustees, at a special meeting to be called as hereinbefore provided. 35

Powers of trustees.

7. The trustees hereinbefore named, and their successors in office, shall, by the name of "The Trustees of the Stamford Presbyterian Church Lands," hold, occupy, and enjoy as landlords, all right of said lands, and by that name bring or defend any action or suit at law or in equity, against any person or persons, or body corporate, in respect to any matter or thing pertaining to said lands. 40

Burial places, powers as to.

8. The said trustees shall have power to appropriate four acres of said land, including that lot marked "Burial Place" upon the trustees' map of said lands, and to grant to any person the exclusive right to use a burial place on any particular portion of said appropriated land, and to charge such fees therefor as they shall reasonably appoint. 45

By-laws, power to pass.

9. The said trustees shall have power, from time to time, to make such by-laws as may be necessary and reasonable for the preservation and improvement of all appertaining to said lands. 50



BILL.

An Act to enable the Trustees of the Stamford Presbyterian Church to sell lands held by them for the use of the Congregation, and for other purposes.

(PRIVATE BILL.)

First reading 18th January, 1871.

MR. BEATTY

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to extend the limits of the Corporation of the Town of St. Thomas.

WHEREAS the Municipal Council of the Town of St. Thomas in the County of Elgin, have by Petition represented that owing to the contracted limits of the Town of St. Thomas, it is impossible to locate the stations and workshops of the Canada Southern Railway Company within the limits of the present Corporation, and that said Railway Company have agreed to locate their stations and shops within the Corporation of St. Thomas provided the limits are sufficiently extended for that purpose, and that it is in the interest of the said Town that the said stations and shops should be there located, and that the rate-payers of the Police Village of Millersburg and the Municipal Corporation of the Township of Yarmouth in the County of Elgin, are willing that the limits of the said Corporation of the Town of St. Thomas should be extended over the south half of lot number four and the south half of lot number five in the ninth concession of the said Township of Yarmouth, and the north halves of lots numbers four and five in the eighth concession of the said Township, and the north half of the west half of lot number six in the eighth concession of the said Township, except one half acre thereof at present owned and occupied by one Willoughby Clark, on the terms that the said lands so to be included in the said Corporation and the Town of St. Thomas as existing at the time of the passing of this Act shall be, and continue respectively possessed of their proportion of the assets and liable for their proportion of the indebtedness of the municipalities to which they have hitherto belonged, except for the liability created by the bonus of twenty-five thousand dollars to be granted to the said Railway Company which is to be a charge upon the extended municipality of the Town of St. Thomas; And whereas it is expedient to grant the prayer of such Petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. From and after the passing of this Act the south half of lot number four and the south half of lot number five in the ninth concession of the said Township of Yarmouth, and the north halves of lots numbers four and five in the eighth concession of the said Township and the north half of the west half of lot number six in the eighth concession of the said Township except one half acre thereof at present owned and occupied by one Willoughby Clark, shall be and are hereby detached from the said Township of Yarmouth and annexed to the said Town of St. Thomas on the terms and conditions relating thereto set forth in the preamble of this Act, and shall in all respects and for all purposes not inconsistent with the provisions of this Act,

Certain lands
incorporated
in Town of St.
Thomas, and
form,

The ward of
St. David.

be and become and are hereby constituted a portion of the said Municipal Corporation of the Town of St. Thomas, and said lands so annexed to said Town shall hereafter form a Ward thereof to be known as St. David's Ward.

The lands in-
corporated not
to be exempt
from former
municipal
liability.

2. Nothing in this Act contained shall exempt any part of the lands so detached from liability for the debts and obligations contracted before the passing of this Act by the county townships or other municipality of which the said lands formed a part. 5

Form of Col-
lector's Roll.

3. The Collector's Roll for the said Town of St. Thomas shall hereafter contain a column containing current rates and a column containing the rates for now existing liabilities of that part of the said Corporation liable under this Act for the old debts of St. Thomas, and a column containing the rates for now existing liabilities of that part of the said Corporation by this Act annexed to the said Town of St. Thomas, provided that the amount to be paid by the said lands hereby detached from the Township of Yarmouth to the said Township and to the County of Elgin, shall be settled by arbitration, and shall be based upon the assessment of the year one thousand eight hundred and twenty seven. 01 15 20

Arbitration as
to liabilities of
annexed land.

BILL.

An Act to extend the limits of the Corporation of the Town of St. Thomas.

(PRIVATE BILL)

First Reading, 13th Jan., 1871.

Mr. LUTON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to vest the property belonging to the Methodist Episcopal Church in Canada at Ottawa in the present Trustees and their Successors to be appointed according to the Discipline of the said Church.

WHEREAS it hath been made to appear by the petition of the Reverend Samuel G. Stone, Presiding elder in the Ottawa District of the Methodist Episcopal Church, in Canada, the Reverend George Abbs, the Pastor of the said Church at Ottawa, James G. Robinson, the Treasurer, and Dawson Kerr, the younger, the Secretary of the said Church at Ottawa, that in the deed from the Principal officers of Her Majesty's ordnance conveying to the then Trustees of the said Church, the north half of lot number eighteen on the south side of York Street, in the city of Ottawa, no provision is made in the said deed for the mode of appointing successors to the Trustees named therein; And whereas it appears by the said petition that a Majority of the said Trustees have either departed this life or have become disqualified from membership in the said Church by removal, except Lewis Williams and Robert Clements, and the said Petitioners have prayed that the title to the said property should vest in the present Trustees of the said Church, namely Lewis Williams of Nepean, in the county of Carleton, Samuel Evans, of Gloucester, in the said county, Robert Clements, of Gloucester, aforesaid yeoman, William Minore, of Ottawa, grocer, Hiram Johnston, of Ottawa, gentleman, George H. Godwin, of Ottawa, carpenter, and Robert W. Caldwell, of Ottawa, trader, and their successors in office in perpetual succession to be appointed according to the Discipline of the Methodist Episcopal Church in Canada, as it now is or may hereafter be amended by the general conference; And whereas it is desirable to grant the prayer of the petition; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All the right, title, estate and interest conveyed by the said deed from the Principal officers of Her Majesty's ordnance to the original Trustees named therein, shall by virtue of this Act, be now vested in the present Trustees of the said Church, namely Lewis Williams, Samuel Evans, Robert Clements, William Minore, Hiram Johnston, George H. Godwin, and Robert W. Caldwell, aforesaid, and their successors in office in perpetual succession to be appointed according to the Discipline of the Methodist Episcopal Church in Canada, as it now is, or as it may hereafter be amended by the general conference.

Certain lands
vested in the
Trustees of the
Methodist
Episcopal
Church.

Trustees may mortgage the land for certain purposes.

2. That in order to pay off any debts now due or owing by the said Church, or that may hereafter be contracted for the building repairing extending or improving of the Church on the said land held, it shall and may be lawful for the Trustees or a majority of them to mortgage the said land upon such Terms 5 as may be agreed upon, and from time to time as occasion may require it to make new and further mortgages for the purposes aforesaid.

BILL.

An Act to vest the property belonging to the Methodist Episcopal Church, in Canada, at Ottawa, in the present Trustees and their Successors to be appointed according to the Discipline of the said Church.

(PRIVATE BILL.)

First Reading, 16th January, 1871.

Mr. SCOTT, (Ottawa.)

An Act to authorize the Corporation of the City of Ottawa to acquire certain lands for the enlargement of the By Ward Market, and to enable the said Corporation to sell certain lands granted by the Crown for the purposes of a Market.

WHEREAS the corporation of the city of Ottawa have by Preamble.
 their petition set forth that the interests of the inhabitants of the city of Ottawa require that the By Ward Market should be enlarged, and that the said corporation should have,
 5 acquire and hold lots numbers eight and nine, and the west half of lot number ten on the north side of George street, and lots numbers eight and nine, and the west half of lot number ten on the south side of York street, in the city of Ottawa, for that purpose ; And whereas the said corporation have further
 10 set forth in their said petition that lots numbers one, two and three on the west side of Dalhousie street, lots numbers ten, eleven, twelve and thirteen on the north side of Cathcart street, and lots numbers ten, eleven, twelve and thirteen, on the south side of Bolton street, in the city of Ottawa, were granted by
 15 the Crown to the said corporation for the purposes of a market, and that the same is not required for that purpose, for the reason that the public squares in the vicinity of the said last mentioned lots would give more than sufficient market accommodation to that locality, and they have prayed to be enabled
 20 to acquire the said first mentioned lands, and to sell the said last mentioned lands, and to apply the purchase money of the said last mentioned lands towards the price of the said first mentioned lands; and it is expedient to grant the prayer of the said petition ; Therefore Her Majesty, by and with the advice
 25 and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

The said corporation, upon passing a by-law, stating their intention to acquire the said first mentioned lands to the purposes aforesaid, shall have the power to treat for purchase and
 30 acquire the said firstly above described lands for the purposes aforesaid, and in the event of their being unable to agree upon the price to be paid therefor, such price shall be settled by arbitration, the arbitrators to be appointed and all proceedings taken as provided by the Act of the Parliament of the late Province
 35 of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, intituled an Act respecting the Municipal Institutions of Upper Canada, and of any Act or Acts amending the same in relation to the exercise of the powers of the corporation in
 40 regard to roads, streets or other communications, and upon payment of the sum of money awarded the land shall be and become the property of the corporation of the city of Ottawa. The said corporation shall also have power to sell alien and convey

The corporation of Ottawa may acquire certain lands.

The corporation may sell certain lands.

the said lots numbers one, two and three on the west side of Dalhousie street, lots numbers ten, eleven, twelve and thirteen on the north side of Cathcart street, and lots numbers ten, eleven, twelve and thirteen on the south side of Bolton street, in the city of Ottawa, and to receive the purchase money there- 5
for such purchase money when received to be paid and applied in and towards the payment of the price of the said hereinbefore firstly mentioned lands.

BILL.

An Act to authorize the Corporation of the city of Ottawa to acquire certain lands for the enlargement of the By Ward Market, and to enable the said Corporation to sell certain lands granted by the Crown for the purposes of a market.

(PRIVATE BILL.)

First reading 16th January, 1871.

Mr. SCOTT (*Ottawa*).

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to confer upon the Bishop and Incumbents of the Diocese of Toronto similar powers to those held by the Bishop and Incumbents of the Diocese of Ontario.

WHEREAS by section eight of the Act passed in the twenty-fifth year of the reign of Her present Majesty, and chaptered eighty-six, the Bishop, Rectors, and other Incumbents of the Diocese of Ontario have the power of alienating and transferring lands and personalty vested in them respectively for the uses and purposes of the said See and of the Churches, Parishes, and Livings therein: And whereas it was intended that by the Act passed in the twenty-fourth year of the reign of Her said Majesty, and chaptered fifty-four, similar powers should be conferred upon the Bishop, Rectors, and other Incumbents of the Diocese of Toronto, but doubts exist whether such powers were thereby conferred, and it is expedient that such doubts should be removed, and that the powers hereinafter granted should be conferred upon the last named Bishops and Incumbents: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lord Bishop of the Diocese of Toronto, for the time being shall have the administration of all lands and personalty which now are or hereafter may be vested in him or conveyed to him for the use or endowment of his See, or for the general uses of the Anglican Church in his Diocese, or for the use or endowment of any particular Church, Chapel, Parsonage, Parish, Mission, or Living erected or established, or hereafter to be erected or established therein, or for other purposes appertaining to the said Church in his Diocese, or to any particular Parish therein.

The Bishop to have the administration of lands and personalty.

2. The said Bishop, by and with the consent of the Incorporated Synod of the said Diocese, shall have power to sell, alien and transfer any lands or personalty which now are or may hereafter be vested in or conveyed to him for the general uses and purposes of the said See, or of the said Church, and by and with the consent of the said Synod and of the Rector or Incumbent of the Parish or Mission to which the same may pertain, or for the benefit of which the same may be held, shall also have power to sell, alien, and convey any lands or personalty which now are or hereafter may be vested in or conveyed to the said Bishop for the purposes, use, or endowment of, or pertaining to, any Church, Chapel, Parsonage, Parish, Mission, or Living.

Alienation of property.

3. The Parson, Rector, or other Incumbent, of any Church, if vested in

Chapel, Parsonage, Parish, Mission, or Living, for the time being, to whom any lands or personalty shall have been or hereafter may be conveyed, or in whom the same may now be or hereafter may be vested for the purpose, use, or endowment of such Church, Chapel, Parsonage, Parish, Mission, or Living, shall, by and with the consent of the Bishop of the said Diocese and of the Synod thereof, have the power to sell, alien, and convey such lands and personalty. 5

Application
of the pro-
ceeds of sales.

4. The price or consideration money of any such sale, alienation, or transfer, shall be applied to the uses and purposes for which the land or personalty so sold, aliened, or transferred, was originally conveyed to or became vested in the said Bishop and Incumbents respectively. 10

Power to con-
vey glebe,
lands.

5. The said Bishop, and any Rector, Parson, or other Incumbent in the said Diocese, in each case by and with such consent as is herein provided for in regard to such sales by them as aforesaid, shall have power to grant and convey any glebe, house, or lands, which now are or hereafter may be vested in them respectively, to any person or persons, body or bodies corporate, in exchange for any other house, buildings, or lands, and it shall be lawful for the said Bishop, Rectors, Parsons, or other Incumbents, with the like consent, to accept and take in exchange to him, them, and their respective successors forever, from any person or persons, or body corporate, any other house, buildings, or lands, in lieu of and exchange for such house or lands so granted and conveyed. 15 20 25

Consent of
Synod, Bishop
or Incumbent
how signified.

6. The consent of the Synod, Bishop, and Incumbent, respectively, hereinbefore required, shall be testified by their respective executing the deed or other assurance by which any lands or other premises shall be conveyed or assured. 30

This Act not
to affect lands
mentioned in
29 Vic.

7. Nothing in this Act shall extend or apply to the lands mentioned in the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered sixteen, and intituled, "An Act to provide for the sale of Rec- tory Lands in this Province." 35

BILL.

An Act to confer upon the Bishops and Incumbents of the Diocese of Toronto the same powers to these held by the Bishops and Incumbents of the Diocese

(PRIVATE BILL)

First Reading, 16th Jan.,

Hon. Mr. C. C.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate "The Fenelon Falls Railway Company."

WHEREAS the construction of a railway from a point on the line of the Toronto and Nipissing Railway, in the township of Eldon, to Fenelon Falls, has become desirable for the development of the resources of a portion of the county of Victoria and the country adjacent thereto, and for the public convenience and accommodation of the inhabitants thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 10 **1.** George Laidlaw, John Turner, William Thomson, John Leys, John Morrison, Christopher W. Bunting, R. H. Gardner and Harvey P. Dwight, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said Company hereby incorporated, are hereby constituted
15 and declared to be a body corporate and politic by the name of "The Fenelon Falls Railway Company."

Incorporation.

Incorporate name.

- 2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also
20 the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c.,"
25 "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be
30 constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

- 3.** The said company shall have full power, under this Act to construct a railway from any point in the township of Eldon, on the line of the Toronto and Nipissing Railway to Fenelon Falls, or any point in the vicinity thereof, on the waters of
35 river with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

Location of railway.

Gauge of railway.

4. The gauge of the said Railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said company.

Conveyancers to the company.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule (Schedule A) hereunder written, or the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof. 5 10

Provincial directors.

6. From and after the passing of this Act, the said George Laidlaw, John Turner, William Thomson, John Leys, Christopher W. Bunting, John Morrison, R. H. Gardner and Harvey P. Dwight, shall be the provisional directors of the said company. 15

Powers of provisional directors.

7. The said Provisional Directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be Provisional Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and with all such other powers as, under the Railway Act, are vested in such Boards. 20 25

Capital of the Company \$65,000, with power to increase.

8. The capital of the Company hereby incorporated shall be sixty-five thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into one thousand three hundred shares of fifty dollars each, and shall be raised by the persons and Corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, and completion of the said Railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of the City, County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock. 30 35 40 45

Ten per cent. to be paid on subscription.

9. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per cent of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company. 50

Future calls.

10. Thereafter calls may be made by the directors for the

time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

11. The said provisional directors, or the elected directors, Directors may agree to pay certain expenses in stock or bonds.
 5 may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the
 10 purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding upon the company.

12. As soon as Shares, to the amount of thirty thousand General meeting for election of directors.
 15 dollars of the Capital Stock of the said Company, other than by Municipalities, shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the City of Toronto, (which shall on no account be with-
 20 drawn therefrom unless for the service of the Company,) the Directors shall call a General Meeting of the subscribers to the said Capital Stock, who shall have so paid up ten per centum thereof, for the purpose of electing Directors of the said Company.

13. From the date of the first general meeting hereinafter Payment of interest on stock during construction of the railway.
 25 mentioned, during the construction of the said railway, it shall be lawful for the directors to pay to the shareholders interest at a rate not exceeding seven per centum on the amount of the stock paid up, the same to be charged against the capital of the
 30 company, as and deemed to be, a part of the expense of the construction of the said railway, such interest to be paid half-yearly, from the date of the said first general meeting.

14. It shall be lawful for the provisional or elected directors Stock may be paid up in full before the final call.
 35 to accept payment in full, for stock, from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip for the full amount of such stock subscribed.

15. In case the Provisional Directors neglect to call such General meeting, how called if provisional directors neglect to call the same.
 40 meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are
 45 subscribets among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

16. In either case notice of the time and place of holding Notice of general meeting.
 such general meeting shall be given by publication in the *Ontario Gazette*, and in one daily newspaper in the city of
 50 Toronto, once in each week, for the space of at least four weeks, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the Election of directors.
 capital stock assembled, who shall have so paid up ten per centum

thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

5

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, in the city of Toronto, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and once a week in one daily newspaper published in the city of Toronto.

18. Special general meetings of the shareholders of the said company may be held at such places, in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up, at least one week before the day appointed for such meeting.

20. No person shall be qualified to be elected as such director, by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

21. Any meeting of the directors of the said company, regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

22. And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them shall think expedient; Provided always that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the rate-payers, as provided in the municipal act for the creation of debts.

23. In case the said company shall require a bonus to be granted to them by any Municipality, County Municipality or portion of a Municipality or County Municipality, and do petition the council of such Municipality or County Municipality for a bonus setting out the amount required, which petition may be presented to the council in session, or if the same be not in ses-

sion, to the Warden, Mayor, Reeve or other head thereof; thereupon such council shall, within six weeks after such presentation thereof, submit a by-law therefor to be voted upon by the ratepayers of such Municipality, County Municipality, or such portion of such Municipality or County Municipality as may be mentioned and defined in such petition.

24. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

If by-law carried by ratepayers the council to pass the by-law,

25. And within one month after the passing of such by-law the said council and the Warden, Mayor, Reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus, thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

and issue debentures.

26. In case any bonus be so granted by a portion of a Municipality or County Municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the Municipality or County Municipality.

How rate to be levied.

27. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed, by or for a portion of a Municipality or County Municipality to the same extent as if the same had been passed by or for the whole Municipality or County Municipality.

Provisions of the Municipal Acts to apply to the by-laws.

28. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

By-laws to be valid though the annual rate exceeds two cents in the dollar.

29. Any Municipality which shall grant a bonus of not less than sixty-five thousand dollars in aid of the said company, shall be entitled to name a director in the said Company as the representative of such Municipality; and such directors shall be in addition to all shareholders, directors in the said Company; and shall not require to be a shareholder in the said Company, and shall continue in office as a director in the said Company until his successor shall be appointed by the Municipality which he represents.

Municipalities granting \$65,000 to be represented by a director.

30. Whenever any Municipality shall grant a bonus to aid the said Company in the making, equipping, and completion of the said Railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, the Honorable George William Allan, the Honorable Matthew Crooks Cameron, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said Company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Appointment of Trustees.

Proviso.

Vacancies in
the office of
trustee.

31. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said Company, and in case any trustee die or resign his trust to go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said Company. 5

Act of two
trustees to be
binding.

32. The act of any two such trustees shall be as valid and binding as if the three had agreed. 10

Trusts upon
which the
debentures
are to be held.

33. The said Trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the City of Toronto in the name of "The Fenelon Falls Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule B., (Schedule B) hereto or to the like effect setting out the portion of the Railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road, to be applied on the work so done and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrong- fully granting any such certificate by such Engineer, shall be a misdemeanor punishable by fine and imprisonment by any court of competent jurisdiction in the Province of Ontario. 15 20 25

Counties
granting
bonuses may
take the
debentures of
townships.

34. Any county in which is or are situated a township or townships, or portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council. 30 35

Issue of
bonds.

35. The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of five dollars for every four of municipal and other bonuses and paid up share capital; And pro- 40 45 50 55

Proviso aggregate of bonds not to exceed \$250,000.

vided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing for one year, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Rights of holders of bonds at annual meeting when interest is unpaid.

36. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Securities to be payable to bearer.

37. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Company may make promissory notes, &c.

Proviso.

38. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Powers as to lands.

39. The railway shall be commenced within two years and completed within five years after the passing of this Act, or else the charter shall be forfeited.

Commencement and completion of railway.

40. The said Railway Company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed for dry wood three cents per mile per cord in full car loads, and for green wood at the rate of two and a half cents per ton per mile. The company shall further, at all times, furnish every

Regulations as to the carriage of cordwood.

facility necessary for the free and unrestrained traffic in cord-wood to as large an extent as in the case of other freight carried over the said railway.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of _____ dollars paid to me (or us) by the Fenelon Falls Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of _____ dollars paid to me (or us) by the said Company the receipt whereof is hereby acknowledged do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of this Railway to hold with the appurtenances into the said the Fenelon Falls Railway Company their successors and assigns [*here insert any other clauses covenants or conditions required.*] And I, the wife of the said _____ do hereby bar my dower in the said lands.

As Witness my (or *our*) hand and seal (or *hands and seals*) this _____ day of _____ one thousand eight hundred and _____

Signed sealed and delivered
in the presence of _____

}

L. S.

SCHEDULE B.

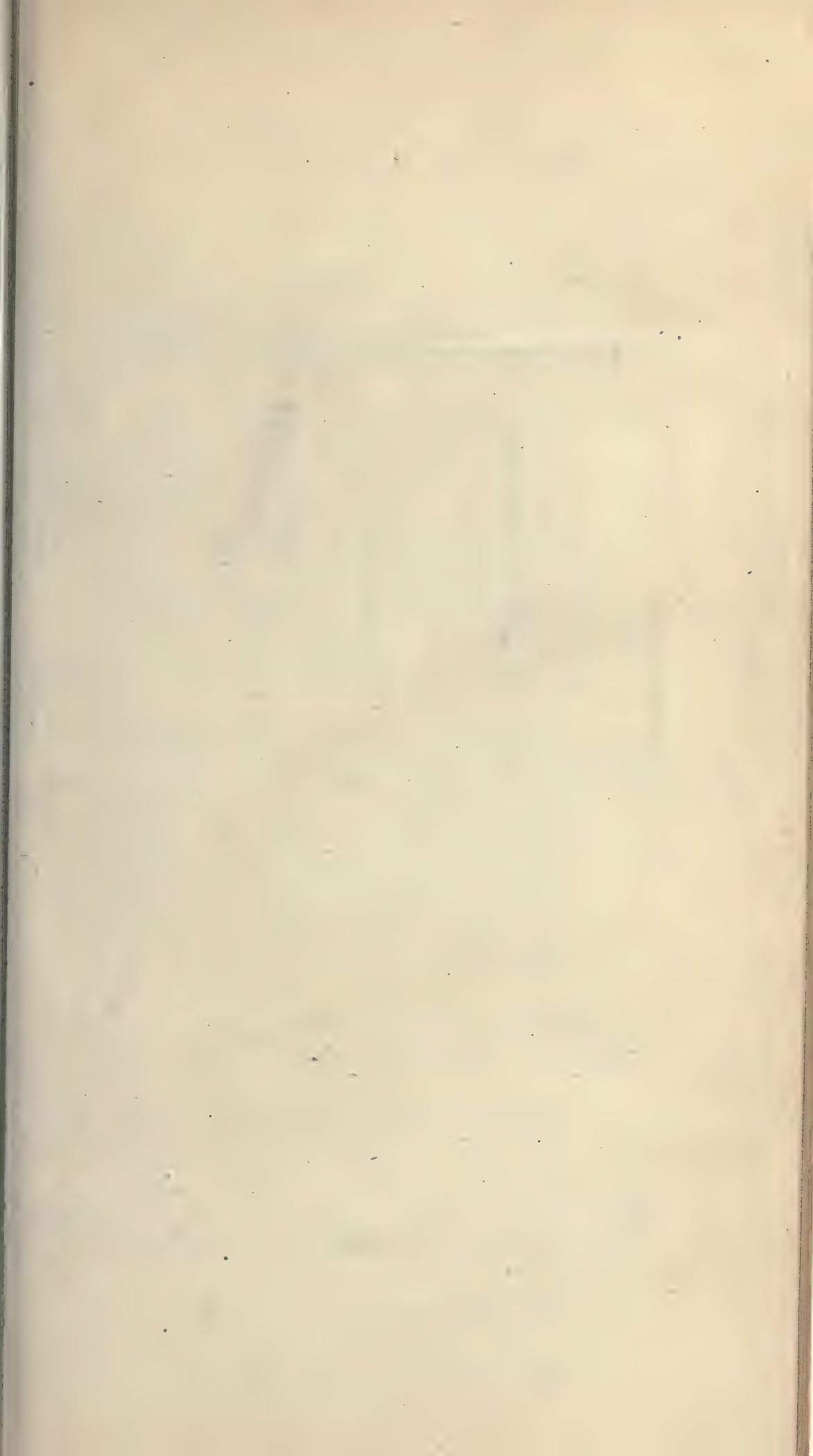
CHIEF ENGINEER'S CERTIFICATE.

The Fenelon Falls Railway
Company's Office,
Engineer's Department,
A.D. 18 _____

No. _____

Certificate to be attached to cheques drawn on the Fenelon Falls Railway Municipality Trust Account and given under section _____ of cap. _____ 34 Vic.

I, _____ Chief Engineer for the Fenelon Falls Railway, do hereby certify that there has been expended in the construction of Mile _____ No. _____ the sum of _____ dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Accounts amounts to the sum of _____ dollars, which said sum of _____ dollars is now due, and payable as provided under said Act.



4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to incorporate "The Fenelon Falls
Railway Company."

(*PRIVATE BILL.*)

First Reading 16th January, 1871.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to enable the Corporation of the town of St. Catharines, to acquire possession of a public Road or Highway for the purposes of a public Avenue.

WHEREAS the Corporation of the town of St. Catharines Preamble.
 have by their petition prayed for the passing of an Act enabling them to acquire jurisdiction over one of the three following Roads in the township of Grantham, in the county
 5 of Lincoln, for the purpose of a public Avenue, viz: The side lines between lots sixteen and seventeen in the first, second third, fourth and fifth concessions of the said township of Grantham; the side line between lots eighteen and nineteen in the first, second, third, fourth, and fifth concessions of the said
 10 township; the public or travelled Road leading direct from and being, the continuation of Ontario Street, in the said town of St. Catharines, to the Village of Port Dalhousie, in the said county of Lincoln; And it is expedient to grant the prayer of the said petition: Therefor Her Majesty, by and with the
 15 advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. The corporation of the town of St. Catharines, may Certain roads may be used for an avenue.
 by By-Law assume for the purpose of a public Avenue, or walk any one of the three following public Roads or Highways,
 20 in the township of Grantham, in the county of Lincoln, viz: the side line between lots sixteen and seventeen in the first, second, third, fourth and fifth concessions of the said township; the side line between lots eighteen and nineteen in the first, second, third, fourth and fifth concessions of the said township;
 25 The public or travelled Road leading direct from and being the continuation of Ontario Street, in the said town of St. Catharines, to the Village of Port Dalhousie, in the said county, provided that the Municipal Corporation of the said township Proviso.
 of Grantham, shall pass a By-Law assenting to the assuming of
 30 said Road.

2. The said Road so assumed by the said Corporation Corporation to keep and repair the avenue.
 shall become and be deemed to be a public Highway of said Corporation and shall be repaired and kept in repair by said Corporation.

3. The said Corporation shall have power and authority By-laws to protect the avenue.
 35 to pass By-Laws for the protection and Government of said avenue or walk.

4. The said Corporation shall be at liberty to take any land Rights of corporation to take land for widening the avenue.
 40 adjacent to the Road so assumed under authority of this Act, for the purpose of widening said Road to the extent of one hundred feet subject to the provisions of section three hundred

red and twenty-five of the Act passed by the Parliament of the late Province of Canada, in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, and to other provisions of said Act relating to arbitration.

5

29 & 30 Vic.,
c. 51, s. 299 to
apply.

5. That sub-sections eight, nine and ten of section two hundred and ninety-nine of said last recited Act shall be applied so far as they can to said Road.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to enable the Corporation of the town of St. Catharines to acquire possession of a public Road or Highway for the purposes of a public Avenue.

(PRIVATE BILL.)

First Reading 17th January, 1871.

MR. RYKEET.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., AND CO.

An Act to amend the Act amending the Act incorporating Albert College.

WHEREAS it has been represented by petition on behalf of Albert College, an Institution of learning, in the Township of Thurlow, near the Town of Belleville in this Province, that University powers so far as relate to Degrees in Arts, were conferred on the said College, in the year one thousand eight hundred and sixty-six by an Act of the Parliament of the late Province of Canada, and that the Institution has since that time been in full and successful operation; and that in the opinion of the petitioners the usefulness of the College might be extended by conferring on it the other powers and privileges of an University: And whereas it is expedient that the same be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

15 **1.** The third section of the Act of the Parliament of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered one hundred and thirty-six, and intituled "An Act to amend the Act incorporating Belleville Seminary and to confer on the same University powers so far as relates to Degrees in Arts," is hereby amended by adding to the said third section the words "and to prevent any confusion the said Senate shall have a seal seperate and distinct from the seal of the said Board of Management."

29 & 30 Vic.
c. 136 s. 3
amended.

25 **2.** The seventh section of the said Act is hereby amended by substituting the word "Senate" for the word "College" in the second line thereof.

Sec. 7. amended.

3. The eleventh section of the said Act is hereby amended by striking out the words "of Arts and Master of Arts" after the word "Bachelor" in the second line of the said section and inserting in lieu thereof the words "Master and Doctor in the several Arts and Faculties."

Sec. 11 amended.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act amending the Act
incorporating Albert College.

PRIVATE BILL.

First Reading, 17th Jan., 1871.

Mr. GRAHAM (*Hastings*).

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

No. 90.]

BILL.

[1871.

An Act respecting The Norfolk Railway Company.

5 **W**HEREAS it has been found impracticable to complete the line of Railway authorized to be constructed by the Norfolk Railway Company within the time limited for that purpose ; And whereas Henry Stark, Howland Noah Barnhart and Thomas Lailey, shareholders of the said Company, by their petition have prayed for an extension of the time fixed for the commencement and completion of the construction of the said Railway, and it is expedient to grant the prayer of the said
10 Petition ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

The time limited for the commencement of the construction of the said Railway, is hereby extended for one year from the passing of this Act, and the time for the completion thereof
15 for three years from the passing of this Act.

Time for construction of railway extended.

BILL.

An Act respecting The Norfolk Railway
Company.

(*PRIVATE BILL.*)

First Reading, 17th January, 1871.

Mr. WILSON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate "The Toronto Union Passenger Station and Dock Company."

WHEREAS certain persons have, by their petition, represented that the present railway and steamboat passenger accommodation in the city of Toronto is manifestly inconvenient, the railway stations and the wharves at which the various steamers land their passengers being at long distances from each other, and have prayed that an Act might be passed incorporating a company by the name of "The Toronto Union Passenger Station and Dock Company;" And whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Honorable George William Allan, Frank Smith, Esquire, Noah H. Barnhart, Esquire, Samuel Bickerton Harman, Esquire, John Wallis, Esquire, Angus Morrison, Esquire, Frank Shanly, Esquire, John Crawford, Esquire, the Honorable John Beverley Robinson, Alexander Manning, Esquire, the Honorable John Carling, Charles James Campbell, and Thomas Dick, Esquire, together with all such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic, by and under the name and style of "The Toronto Union Passenger Station and Dock Company."

Incorporation.

Corporate name.

2. The said company shall have power to erect and build a central Union Railway Station, for the service of the several railways having termini or doing business in the said city of Toronto, with all such offices, buildings and appurtenances as are usual, convenient and necessary thereto; and also in connection with such station to construct and build all such wharves, docks, or other water accommodation necessary for the service of steamers and vessels sailing on Lake Ontario, and for facilitating the interchange of traffic between such vessels and the several railways at the said station: Provided always that the powers hereby conferred for the taking and holding of lands for the purposes of this Act, shall be limited to lands, and lands covered with water, lying between York and Simcoe Streets, and south of Front Street, in the said city of Toronto.

Power to build a station and wharves.

Location for their erection.

3. The said the Honorable George William Allan, Frank Smith, Noah H. Barnhart, Samuel Bickerton Harman, John Wallis, Angus Morrison, Frank Shanly, John Crawford, the Honorable John Beverley Robinson, Alexander Manning, the Honorable John Carling, Charles James Campbell, and

Provisional Directors.

- Thomas Dick, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act, and shall have power immediately after the passing of this Act, to open stock books 5 and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors.
- Powers of.**
- Capital stock.** 4. The capital stock of the company hereby incorporated 10 shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all 15 fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money, so far as may be necessary, shall be applied to the acquirement of the lands, the building of the 20 station and docks, and the other purposes of this Act, and to no other purpose whatsoever.
- How to be applied.**
- General meeting for election of Directors, when to be called.** 5. So soon as one-fifth part of the capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks of this 25 Province, for the purposes of the said company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of said company.
- How the meeting may be called, if the provisional directors neglect to call same.** 6. In case the provisional directors neglect to call such 30 meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are subscribers among them for not less than one 35 thousand dollars of the said capital stock, and who have paid up all calls thereon.
- Notice of the general meeting.** 7. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the city of Toronto, 40 once in each week, for the space of at least one month, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice.
- Election of directors.** 8. At such general meeting the subscribers for the capital stock assembled who shall have so paid up twenty per centum 45 thereof with such proxies as may be present, shall choose seven persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 50
- Qualification of directors.** 9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

10. If at any time an election of directors be not made at the time appointed by this Act, the Company shall not be dissolved, and at any subsequent meeting of the shareholders to be duly called for that purpose, it shall be lawful to make such election, and the term of office of any retiring director or directors shall not be deemed to have expired till their successors shall have been elected.

Company not to be dissolved in case of failure of election.

11. Every shareholders of one or more shares shall be entitled to one vote for every share held by him, and all persons or corporations holding stock shall be entitled to vote by proxy, but no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholders shall have been paid up at least one week before the day appointed for such meeting.

Scale of votes.

12. The shareholders as such shall not be liable or responsible for any matter relating to or connected with said Company beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders.

13. The stock of the said Company shall be deemed personal property, and shall be assignable but no transfer of any share shall be valid till entered in the books of the Company according to such forms as the directors may from time to time appoint; Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend till such debt be paid or secured to the satisfaction of the directors.

Stock to be personalty and shall be assignable.

Transfer of shares.

14. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the city of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in the city of Toronto.

Annual meetings, when and where to be held.

15. Special general meetings of the shareholders of the said Company may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general meetings, when and where to be held.

16. The said Company is hereby empowered to take, acquire, receive and hold between the streets in the city of Toronto hereinbefore named, such real estate in fee simple not exceeding of land acres and of lands covered with water acres as may be necessary for the erection of the said station, buildings, wharves and docks and appurtenances as herein provided, and may by their surveyors and engineers enter upon such sites and locations and take possession of the same; all such sites and locations shall be purchased of the owner or owners at a price to be mutually agreed upon, or in case of disagreement as respects the acquisition of the said lands, the several clauses of "The Railway Act of the Consolidated Statutes of Canada," chaptered sixty-six and the amendments thereto, with respect to "lands and their valuation," in so far as the same may be applicable to the objects of this Act, shall be incorporated herewith and form part of this Act as if the same had been expressly set forth herein: Provided always that

Powers to acquire lands.

Proviso.

approved by
the City of
Toronto.

such real estate so to be taken and held shall be necessary to the purposes of this Act as shewn in a plan or map of the said station, wharves and appurtenances as required by the Railway Act of the Consolidated Statutes of Canada and the amendments thereof, so far as relates to "lands and their valuation." 5

Power to open,
close up, and
alter streets,
etc.

17. The said Company shall have power with the consent and sanction of the corporation of the city of Toronto first had and obtained, to close up any streets or roads to alter and divert the course of any existing streets and roads, and also to open and construct such new roads and streets as may be necessary to carry out the works if the Company or as the approaches to the said station, whether the same be for ordinary roads or railway tracks: Provided always that the powers herein conferred are within the limits of the streets in the city of Toronto aforementioned. 10 15

Proviso.

Power to em-
ploy workmen.

18. The said Company shall have power to engage and employ all persons necessary for the constructing and working of the said station, wharves and docks, and to establish all necessary store rooms and other accommodation for baggage mails and express, and all other matters and things necessary for working and carrying on the said undertaking. 20

Esplanade
Act, power to
alter agree-
ment.

19. And whereas, by a certain Act of the late Province of Canada, passed in the twenty-eight year of the reign of Her Majesty Queen Victoria, chaptered thirty-four, and intituled "An Act to Legalize and Confirm an Agreement made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company, and the Northern Railway Company of Canada relating to the Toronto Esplanade, and for other purposes therein mentioned." A certain agreement entered into between the said companies to define their rights towards each other in respect to the Esplanade in the City of Toronto, for the use thereof in the running of trains and other purposes, was confirmed and legalized, and made valid and binding on the said companies. The said company now incorporated shall have power by and with the consent and concurrence of the said several railway companies and the Corporation of the City of Toronto, to alter the arrangements entered into by the said agreement, and to enter into new agreements as may be necessary or expedient for the working and carrying out of the said undertaking, always reserving sufficient space for two or more tracks as may be agreed upon by the said railway companies as necessary for passing and repassing the said station and connecting the railway traffic east and west thereof. 25 30 35 40 45

Power to levy
tolls, &c.

20. The said company shall have power to levy all rates, tolls, and fees for the use of the said station, buildings, wharves, docks, and the appurtenances thereto in manner to be fixed and determined by a by-law of the said company, and approved by the Lieutenant-Governor in Council. 45

Power to en-
ter into certain
agreements.

21. The said company shall have power to enter into arrangements by lease, agreement, or otherwise, with any railway, steamboat, or express companies and owners of vessels doing business at or with the said City of Toronto, or other persons or corporations for such accommodation for public traffic as may be mutually agreed upon. 50

22. The president and directors for the time being, or a majority of them, shall from time to time have power to make such by-laws, rules, and regulations as to them shall appear necessary, namely for the direction, conduct, and government of the said company, and of its property, real and personal, and its improvement and regulation; for the appointment, regulation, and removal of officers and servants of the said company; for regulating the manner in which all contracts are to be entered into and executed by the said company, and for the levying of tolls, and for the doing and performing every act, matter, and thing necessary to carry out the provisions of this act, and for the working and carrying on of the said company according to the intent and spirit thereof.

23. The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given in such manner as the directors shall think fit, and it shall be lawful for the company either by suit to enforce such calls with interest, or to forfeit and sell the shares whereon the same may be due for the payment of the amount due with interest.

24. The said company shall have power to make and execute mortgages, and to become parties to promissory notes and bills of exchange of not less than one hundred dollars each in such manner as may be provided by their by-laws without its being necessary to affix their corporate seal to the said notes or bills of exchange, and no officer affixing the corporate seal to any mortgage, or signing any note or bill in accordance with the by-laws of the company, shall thereby incur any personal liability provided that nothing herein shall be construed to authorize the company to issue notes or bills of exchange payable to bearer, intended to be circulated as money or as the notes or bills of a bank.

25. Conveyances of lands to the said Company for the purposes of this Act may be made in the form set out in the schedule (Schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

26. The president and directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting for that purpose, but limited to the terms of this Act, shall have power to issue debentures made and signed by the president of the said company, and countersigned by the Secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such debentures shall, without formal conveyance or registration, be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal, then existing or thereafter acquired, and each holder of such debentures shall be con-

Power to make by-laws.

Calls upon shares.

How enforced.

Company may make mortgages, notes, and bills of exchange.

Form of conveyances;

how recorded.

Registrar's fee.

Company may issue debentures.

Need not be registered.

Considered
mortgagees.

Not to exceed
certain
amount.

Default.

Securities
payable to
bearer.

Company not
bound to see
to trusts.

sidered a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the said company; Provided the aggregate amount of such debentures shall at no time exceed the amount of the paid up instalments of its share capital, and the amounts actually expended 5 on the works of the said company, and the purchase of real estate, together with all such amounts, the interest on which are secured or guaranteed by lease or agreement entered into with the railway and steamboat companies respectively, or any of them, doing business in the said city of Toronto; And provided 10 also, that if at any time the interest on the said debentures remains unpaid for a period of six months, then at the next annual meeting of the said company after such default, all holders of such debentures shall have the same privileges and qualifications for directors and for voting as are attached to shareholders, 15 provided that the debentures and the transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

27. All debentures, mortgages and other securities issued by the company, and all dividends, and interest warrants, and coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names. 20

28. The company shall not be bound to see to the execution of 25 any trust, express, implied or constructive, to which any shares of its stock, mortgages, debentures, notes or bills of exchange may be subject, and the receipt of the party, or one of the parties, in whose name shares shall stand, or who holds any mortgage, debentures, notes or bills of exchange, shall be a sufficient discharge to the company for any dividend or other money payable in respect of any shares, mortgages, debentures, notes, bills of exchange or other security. 30

SCHEDULE A.

Know all men by these presents that I (*or we*) (insert also the name of wife or any other person who may be a party), in consideration of _____ dollars paid to me (*or as the case may be*) by "The Toronto Union Passenger, Station and Dock Company," the receipt whereof is hereby acknowledged, do grant and convey, and I, the said _____ do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel (*or*) those certain parcels (*as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their Station, to hold with the appurtenances unto the said "The Toronto Union Passenger, Station and Dock Company," their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in }
duplicate in the presence of }

[L. S.]



4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Toronto Union
Passenger, Station and Dock Company.

(*PRIVATE BILL*)

First reading 17th January, 1871.

Hon. Mr. CAMERON.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate "The Toronto Union Passenger Station and Dock Company."

WHEREAS certain persons have, by their petition, represented that the present railway and steamboat passenger accommodation in the city of Toronto is manifestly inconvenient, the railway stations and the wharves at which the various steamers land their passengers being at long distances from each other, and have prayed that an Act might be passed incorporating a company by the name of "The Toronto Union Passenger Station and Dock Company;" And whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Honorable George William Allan, Frank Smith, Esquire, Noah H. Barnhart, Esquire, Samuel Bickerton Harman, Esquire, John Wallis, Esquire, Angus Morrison, Esquire, Frank Shanly, Esquire, John Crawford, Esquire, the Honorable John Beverley Robinson, Alexander Manning, Esquire, the Honorable John Carling, Charles James Campbell, and Thomas Dick, Esquire, together with all such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic, by and under the name and style of "The Toronto Union Passenger Station and Dock Company."

Incorporation.

Corporate name.

2. The said company shall have power to erect and build a central Union Railway Station, for the service of the several railways having termini or doing business in the said city of Toronto, with all such offices, buildings and appurtenances as are usual, convenient and necessary thereto; and also in connection with such station may construct and build all such wharves, docks, or other water accommodation necessary for the service of steamers and vessels sailing on Lake Ontario, and for facilitating the interchange of traffic between such vessels and the several railways at the said station: Provided always that the powers hereby conferred for the taking and holding of lands for the purposes of this Act, shall be limited to lands, and lands covered with water, lying between Bay and Simcoe Streets, and south of Front Street, in the said city of Toronto.

Power to build a station and wharves.

Location for their erection.

3. The said the Honorable George William Allan, Frank Smith, Noah H. Barnhart, Samuel Bickerton Harman, John Wallis, Angus Morrison, Frank Shanly, John Crawford, the Honorable John Beverley Robinson, Alexander Manning, the Honorable John Carling, Charles James Campbell, and

Provisional Directors.

- Thomas Dick, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act, and shall have power immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors. 5
- Powers of.**
- Capital stock.** 4. The capital stock of the company hereby incorporated shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money, so far as may be necessary, shall be applied to the acquirement of the lands, the building of the station and docks, and the other purposes of this Act, and to no other purpose whatsoever. 10 15 20
- How to be applied.**
- General meeting for election of Directors, when to be called.** 5. So soon as one-fifth part of the capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks of this Province, for the purposes of the said company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of said company. 25
- How the meeting may be called, if the provisional directors neglect to call same.** 6. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. 30 35
- Notice of the general meeting.** 7. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the city of Toronto, once in each week, for the space of at least one month, and such meeting shall be held in the city of Toronto, at such place therein and on such day as may be named by such notice. 40
- Election of directors.** 8. At such general meeting the subscribers for the capital stock assembled who shall have so paid up twenty per centum thereof with such proxies as may be present, shall choose seven persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 45 50
- Qualification of directors.** 9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

10. If at any time an election of directors be not made at the time appointed by this Act, the Company shall not be dissolved, and at any subsequent meeting of the shareholders to be duly called for that purpose, it shall be lawful to make such election, and the term of office of any retiring director or directors shall not be deemed to have expired till their successors shall have been elected.

Company not to be dissolved in case of failure of election.

11. Every shareholder of one or more shares shall be entitled to one vote for every share held by him, and all persons or corporations holding stock shall be entitled to vote by proxy, but no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Scale of votes.

12. The shareholders as such shall not be liable or responsible for any matter relating to or connected with said Company beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders.

13. The stock of the said Company shall be deemed personal property, and shall be assignable but no transfer of any share shall be valid till entered in the books of the Company according to such forms as the directors may from time to time appoint; Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend till such debt be paid or secured to the satisfaction of the directors.

Stock to be personal property and shall be assignable.

Transfer of shares.

14. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the city of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in the city of Toronto.

Annual meetings, when and where to be held.

15. Special general meetings of the shareholders of the said Company may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general meetings, when and where to be held.

16. The said Company is hereby empowered to take, acquire, receive and hold between the streets in the city of Toronto hereinbefore named, such real estate in fee simple not exceeding of land . . . acres and of lands covered with water acres as may be necessary for the erection of the said station, buildings, wharves and docks and appurtenances as herein provided, and may by their surveyors and engineers enter upon such sites and locations and take possession of the same; all such sites and locations shall be purchased of the owner or owners at a price to be mutually agreed upon, or in case of disagreement as respects the acquisition of the said lands, the several clauses of "The Railway Act, 1868," with respect to "lands and their valuation," in so far as the same may be applicable to the objects of this Act, shall be incorporated herewith and form part of this Act as if the same had been expressly set forth herein: Provided always that such real estate so to be taken

Powers to acquire lands.

Proviso.

approved by
the City of
Toronto.

and held shall be necessary to the purposes of this Act and shall be shewn in a plan or map of the said station, wharves and appurtenances as required by the said Railway Act, so far as relates to "lands and their valuation." Provided further that nothing herein contained shall be taken to authorize the acquirement of any lands now the property of, or in the occupation of the Grand Trunk Railway Company of Canada, except with the assent of the said Grand Trunk Railway Company. 5

Power to open,
close up, and
alter streets,
etc.

17. The said Company shall have power with the consent and sanction of the corporation of the city of Toronto first had and obtained, to close up any streets or roads to alter and divert the course of any existing streets and roads, and also to open and construct such new roads and streets as may be necessary to carry out the works if the Company or as the approaches to the said station, whether the same be for ordinary roads or railway tracks: Provided always that the powers herein conferred are within the limits of the streets in the city of Toronto aforementioned. 15

Proviso.

Esplanade
Act, power to
alter agree-
ment.

18. And whereas, by a certain Act of the late Province of Canada, passed in the twenty-eight year of the reign of Her Majesty Queen Victoria, chaptered thirty-four, and intituled "An Act to Legalize and Confirm an Agreement made between the Grand Trunk Railway Company of Canada, the Great Western Railway Company, and the Northern Railway Company of Canada relating to the Toronto Esplanade, and for other purposes therein mentioned." A certain agreement entered into between the said companies to define their rights towards each other in respect to the Esplanade in the City of Toronto, for the use thereof in the running of trains and other purposes, was confirmed and legalized, and made valid and binding on the said companies. The said company now incorporated shall have power by and with the consent and concurrence of the said several railway companies and the Corporation of the City of Toronto, to alter the arrangements entered into by the said agreement, and to enter into new agreements as may be necessary or expedient for the working and carrying out of the said undertaking, always reserving sufficient space for two or more tracks as may be agreed upon by the said railway companies as necessary for passing and repassing the said station and connecting the railway traffic east and west thereof. 20 25 30 35 40

Power to levy
tolls, &c.

19. The said company shall have power to levy all rates, tolls, and fees for the use of the said wharves, docks, and the appurtenances thereto in manner to be fixed and determined by a by-law of the said company, and approved by the Lieutenant-Governor in Council. 45

Power to enter into certain
agreements.

20. The said company shall have power to enter into arrangements by lease, agreement, or otherwise, with any railway, steamboat, or express companies and owners of vessels doing business at or with the said City of Toronto, or other persons or corporations for such accommodation for public traffic as may be mutually agreed upon. 50

Power to make
by-laws.

21. The president and directors for the time being, or a majority of them, shall from time to time have power to make such by-laws, rules, and regulations as to them shall appear neces- 55

sary, namely for the direction, conduct, and government of the said company, and of its property, real and personal, and its improvement and regulation; for the appointment, regulation, and removal of officers and servants of the said company; for
 5 regulating the manner in which all contracts are to be entered into and executed by the said company, and for the levying of tolls, and for the doing and performing every act, matter, and thing necessary to carry out the provisions of this act, and for the working and carrying on of the said company according to
 10 the intent and spirit thereof; Provided always that nothing in this section shall be construed to interfere with the working of the said station by the said Railway Companies according to any agreement entered into with the said companies.

22. The directors may at any time call upon the share-
 15 holders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given
 20 in such manner as the directors shall think fit, and it shall be lawful for the company either by suit to enforce such calls with interest, or to forfeit and sell the shares whereon the same may be due for the payment of the amount due with interest.

Calls upon shares.

How enforced.

23 The said company shall have power to make and exe-
 25 cute mortgages, and to become parties to promissory notes and bills of exchange of not less than one hundred dollars each in such manner as may be provided by their by-laws without its being necessary to affix their corporate seal to the said notes or bills of exchange, and no officer affixing the corporate seal
 30 to any mortgage, or signing any note or bill in accordance with the by-laws of the company, shall thereby incur any personal liability provided that nothing herein shall be construed to authorize the company to issue notes or bills of exchange payable to bearer, intended to be circulated as money or as the
 35 notes or bills of a bank.

Company may make mortgages, notes, and bills of exchange.

24. Conveyances of lands to the said Company for the pur-
 poses of this Act may be made in the form set out in the sched-
 ule (Schedule A) hereunder written, or to the like effect, and
 such conveyances shall be registered by duplicates thereof in
 40 such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be
 entitled to demand more than seventy-five cents for registering
 the same, including all entries and certificates thereof, and cer-
 tificate endorsed on the duplicate thereof.

Form of conveyances;

how recorded.
Registrar's fee.

25. The president and directors of the said company, after
 45 the sanction of the shareholders shall have been first obtained at any special general meeting for that purpose, but limited to the terms of this Act, shall have power to issue debentures made and signed by the president of the said company, and counter-
 50 signed by the Secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such debentures shall, without formal conveyance or registration, be taken and considered to be the first and preferential claims and charges upon the undertaking and pro-
 55 perty of the company, real and personal, then existing or there-
 after acquired, and each holder of such debentures shall be con-

Company may issue debentures.

Need not be registered.

Considered
mortgages.

Not to exceed
certain
amount.

Default.

Securities
payable to
bearer.

Company not
bound to see
to trusts.

sidered a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the said company; Provided the aggregate amount of such debentures shall at no time exceed the amount of the paid up instalments of its share capital, and the amounts actually expended 5 on the works of the said company, and the purchase of real estate, together with all such amounts, the interest on which are secured or guaranteed by lease or agreement entered into with the railway and steamboat companies respectively, or any of them, doing business in the said city of Toronto; And provided 10 also, that if at any time the interest on the said debentures remains unpaid for a period of six months, then at the next annual meeting of the said company after such default, all holders of such debentures shall have the same privileges and qualifications for directors and for voting as are attached to shareholders, 15 provided that the debentures and the transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

26. All debentures, mortgages and other securities issued by the company, and all dividends, and interest warrants, and coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names. 20

27. The company shall not be bound to see to the execution of 25 any trust, express, implied or constructive, to which any shares of its stock, mortgages, debentures, notes or bills of exchange may be subject, and the receipt of the party, or one of the parties, in whose name shares shall stand, or who holds any mortgage, debentures, notes or bills of exchange, shall be a sufficient discharge to the company for any dividend or other money payable 30 in respect of any shares, mortgages, debentures, notes, bills of exchange or other security.

SCHEDULE A.

Know all men by these presents that I (*or we*) (insert also the name of wife or any other person who may be a party), in consideration of dollars paid to me (*or as the case may be*) by "The Toronto Union Passenger, Station and Dock Company," the receipt whereof is hereby acknowledged, do grant and convey, and I, the said do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel (*or*) those certain parcels (*as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their Station, to hold with the appurtenances unto the said "The Toronto Union Passenger, Station and Dock Company," their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered in }
duplicate in the presence of }

[L. S.]



BILL.

An Act to incorporate the Toronto Union
Passenger, Station and Dock Company.

(PRIVATE BILL.)

First Reading 17th January, 1871.

(Reprinted as amended for Committee.)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 92.]

BILL.

[1871.

An Act to incorporate the Ontario Street Railway Company (Limited).

WHEREAS William Paterson, of the city of Toronto, Banker, Preamble.
has by his petition, prayed that an association under the
title of "The Ontario Street Railway Company Limited," may
be incorporated for the purpose of constructing and operating
5 Street Railways in the city of Toronto and the municipalities
thereto adjoining. And whereas it is expedient to grant the
prayer of the petitioner: Therefore Her Majesty, by and with
the advice and consent of the Legislative Assembly of the Pro-
vince of Ontario, enacts as follows:

- 10 **1.** The said William Paterson, William Walter Colwell, Company to
Lumber Merchant, Peter Paterson, Hardware Merchant, all be incorpo-
of the city of Toronto, and such other persons as shall be- rated.
come shareholders of the said Company are hereby constituted
a body politic and corporate for the purposes herein mentioned,
15 under the name and style of "The Ontario Street Railway
Company Limited."
- 2.** The capital stock of the Company shall be three hundred Capital.
thousand dollars in twelve thousand shares of twenty-five dollars
each.
- 20 **3.** The Company may commence operations and exercise the When the
powers hereby granted so soon as one hundred thousand dollars Company may
of the capital stock shall be subscribed and twenty per centum commence
thereon paid up. operations.
- 4.** The said Company are hereby authorized and empowered Company may
25 to construct, complete, maintain and operate, and from time to construct and
time remove and change a double or single track iron railway work a street
with the necessary side tracks, switches, turn outs and other con- railway.
veniences and appliances for the passage of cars, carriages and
other vehicles adapted to the same upon and along any of the
30 streets of the city of Toronto and the municipalities immediately
adjoining the limits of the said city, or any of them, for which
permission shall first be obtained by by-law from the corporation
of the said city of Toronto, and of the said municipalities through
which the said railway or any part thereof may run; and subject Subject to the
35 to the limitations set forth and provided by the by-laws grant- by-laws.
ing such permission, to take, transport and carry passengers and
freight upon the same, and to construct and maintain all neces-
sary works, buildings and conveniences therewith connected;
and to use and occupy any and such parts of any of the streets May use the
40 or highways aforesaid as may be required for the purpose of their streets and
railway tracks and the laying of the rails and the running of their highways.
cars, carriages or vehicles.

Railway to be
flush with the
streets.

5. The rails of the railway shall be laid flush with the streets and highways, and may cross any other railway tracks so that it does not injure the same, and shall conform to the grades of the streets so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and the gauge of the said railway shall not be less than two feet but may be wider, and all other vehicles may travel upon the tracts of the said railway, provided they do not interfere with or impede the running of the cars of the said Company, and in all cases every carriage or vehicle on the tracks shall immediately give place to the cars, carriages or other conveyances of the Company when required by turning off the tract.

Gauge of
railway.

Other vehicles
to give place
to the cars of
the company.

Board of Di-
rectors.

Qualification.

Election.

President.

Vacancies.

6. The affairs of the Company shall be under the control and shall be managed and conducted by a board to consist of not less than three nor more than five directors, each of whom shall be a shareholder to an amount of not less than one hundred dollars, and shall be elected on the First Monday of April in every year, at the office of the Company in Toronto, and all such elections shall be by ballot, by a majority of the votes of the stockholders present, each share upon which all instalments due have been paid to have one vote, and stockholders not personally present may vote by proxy, and the directors so chosen shall as soon as may be, elect one of their number to be President, which President and Directors shall continue in office one year and until their successors shall be elected, and if any vacancy shall at any time happen in the office of President or Director, the remaining directors shall supply such vacancy for the remainder of the year, from among the shareholders qualified.

First Direc-
tors.

7. The said William Paterson, William Walter Colwell and Peter Paterson shall be the first directors of the Company, and the said William Paterson the first President thereof, and shall severally hold their offices until the first day of April, one thousand eight hundred and seventy-two.

Directors may
make by-laws
for certain
purposes.

8. The directors of the Company shall have full powers and authority to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary touching the well ordering of the Company, the acquirement, management and disposition of its stock, property and effects and of its affairs and business, the entering into arrangements and contracts with the said city or the adjoining municipalities, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of stock certificates, the transfer of shares, the calling of special and general meetings of the Company, the appointment, renewal and remuneration of all officers, agents, clerks, workmen and servants of the Company, the fares to be received from persons for transportation over the railway or any part thereof of persons and other freight, and in general to do all things that may be necessary to carry out the objects and exercise the powers incident to the Company.

General pow-
ers.

Stock to be
personalty.

9. The stock of the said Company shall be deemed personal estate.

Failure of elec-
tion not to dis-
solve Com-
pany.

10. If the election of directors shall not be made on the day appointed by this Act, the Company shall not for that reason be dissolved, but the stockholders may hold the election on any

other day in the manner provided for by any by-law passed for that purpose, and all acts of directors within the scope of their power until their successors are elected shall be valid and binding on the Company.

- 5 **11.** The Company may purchase, lease, hold, acquire and transfer all real and personal estate necessary for carrying on the operations of the Company. Power to hold real estate.

- 12.** The directors may from time to time raise or borrow for the purposes of the Company, any sum or sums of money not exceeding in the whole the sum of one hundred thousand dollars, by the issue of bonds or debentures in sums of not less than one hundred dollars, on such terms and conditions as they may think proper, and may pledge or mortgage all the property, tolls and income of the Company or any part thereof for the repayment of the moneys so paid or borrowed and the interest thereon: Provided always that the consent of two-thirds in value of the stockholders of the Company then present personally or by proxy, shall be first had and obtained at a special meeting to be called and held for that purpose, and the object of the said meeting shall be stated in the notice concerning the same: And provided also that in no case shall bonds to a greater extent than the amount of the paid up capital be issued. Power to borrow \$100,000 on debentures.
- 10 **13.** An exact statement of the affairs, debts and assets of the Company up to the first day of March in each year, shall be submitted to the shareholders at each annual meeting, and the said statement shall be entered in the books of the said Company and shall be open to the inspection of every shareholder. Proviso.
- 15 **14.** The said city of Toronto and the adjoining municipalities, or any of them, and the said Company, are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, location of the railway and the particular streets along which the same shall be laid, the pattern of rail, the time and speed of running of the cars, carriages or other vehicles, the amount of the license to be paid by the company annually, the amount of fares to be paid by the passengers, the time in which the works are to be commenced, the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, and the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic. Proviso.

- 20 **15.** The said city and the said municipalities, are hereby authorized to pass any by-law or by-laws, (and when all parties concur) and to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto; and also for facilitating the running of the Company's cars, carriages or vehicles, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass: Provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the Company by this Act. Annual statement of affairs of Company.

- 30 **16.** The said city and the said municipalities, are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, location of the railway and the particular streets along which the same shall be laid, the pattern of rail, the time and speed of running of the cars, carriages or other vehicles, the amount of the license to be paid by the company annually, the amount of fares to be paid by the passengers, the time in which the works are to be commenced, the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, and the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic. The City and adjoining municipalities may agree with the Company as to certain matters.
- 35 **17.** The said city and the said municipalities, are hereby authorized to pass any by-law or by-laws, (and when all parties concur) and to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto; and also for facilitating the running of the Company's cars, carriages or vehicles, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass: Provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the Company by this Act. City and municipalities may pass by-laws for giving effect to such agreements.
- 40 **18.** The said city and the said municipalities, are hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, location of the railway and the particular streets along which the same shall be laid, the pattern of rail, the time and speed of running of the cars, carriages or other vehicles, the amount of the license to be paid by the company annually, the amount of fares to be paid by the passengers, the time in which the works are to be commenced, the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, and the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic. Proviso.

- 45 **19.** The said city and the said municipalities, are hereby authorized to pass any by-law or by-laws, (and when all parties concur) and to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto; and also for facilitating the running of the Company's cars, carriages or vehicles, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass: Provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the Company by this Act. Proviso.

BILL

An Act to incorporate the Ontario Street
Railway Company (Limited).

(*PRIVATE BILL.*)

First Reading, 17th Jan., 1871.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to encourage the planting of trees upon the highways in this Province, and to give a right of property in such trees to the owners of the soil adjacent to such highways.

WHEREAS it is expedient to encourage the planting of trees, shrubs and saplings upon the highways in this Province and to provide for the protection thereof, as well as of such trees, shrubs and saplings as are now growing upon such highways from injury or damage: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every tree, shrub and sapling now growing on any highway in this Province within Property of trees on highways vested in the owners of adjacent land. feet from either side of such highway shall, upon, from and after the passing of this Act, become and be the property of the owner of the land adjacent to such highway to which such tree, shrub or sapling is nearest.

2. Any person owning land adjacent to any highway may Planting trees. plant trees, shrubs or saplings on the portion thereof contiguous to his land, within feet from such land; but no tree, shrub or sapling shall be so planted at a less distance than feet from any other tree, shrub or sapling, or so that the same may be or become a nuisance in the highway, or obstruct the fair and reasonable use of the same; every tree, shrub, or sapling so planted in any highway shall be the property of the owner for the time being of the land whose owner planted the same.

3. The municipal council having control of any highway, Removal of trees. may cause any tree, shrub or sapling growing or planted on such highway to be removed, if and when such removal shall be deemed necessary for any purpose of public improvement in connection with such highway; but no such tree, shrub, or sapling shall be so removed until after the value thereof, established by arbitration in the manner provided by the law then in force in the municipality with respect to other property required for public purposes, has been paid or tendered to the owner thereof; nor shall such owner of any tree, shrub or sapling, or any path-master, inspector of roads, or other public officer, remove or cut down or injure such tree, shrub or sapling, on pretence of improving the highway or otherwise, without the express permission of the municipal council having the control of the highway.

4. If any person drives any vehicle, or any harnessed or yoked team of horses or oxen, between any tree, shrub or sap- Injuring trees.

ling growing or planted in any highway, and any fence or wall bounding such highway, or wilfully or negligently cuts, breaks or otherwise injures or destroys any such tree, shrub, or sapling, such person shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the amount of any injury thereby done to such tree, shrub or sapling, such sum of money not exceeding dollars, as such Justice may award.

Stealing trees. **5.** If any person steals, or cuts, breaks, or roots up, lops, girdles or otherwise destroys or damages, with intent to steal, or unlawfully carry away, or procures any person or persons to steal, or to cut, break, root up, lop, girdle, or otherwise destroy or damage, with intent to steal or unlawfully carry away any tree, shrub or sapling, the property of any other person, under this Act, and standing, growing, or being on any highway, the injury done to such other person thereby being in amount more than ten dollars, such offender, being convicted thereof, shall be guilty of a misdemeanor, and shall be punished at the discretion of the court, by fine not exceeding the sum of dollars, or by imprisonment in any common gaol, for a term not exceeding months, or by both; and the said fine, or any portion thereof, the court may, in its discretion, award to the person injured. If the injury caused by so cutting, breaking, rooting up, lopping, girdling, or otherwise destroying or damaging such tree, shrub or sapling, shall not be in amount more than ten dollars, such offender shall, on conviction thereof before a Justice of the Peace or Police Magistrate, be fined in any sum not exceeding dollars, or imprisoned in any common gaol for a term not exceeding or both, at the discretion of the Justice of the Peace or Police Magistrate.

Receiving stolen trees. **6.** If any person receives or purchases any such tree, shrub or sapling, or any timber made therefrom, exceeding in value the sum of ten dollars, knowing the same to have been stolen, or unlawfully cut or carried away, such receiver or purchaser shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the principal offender has not been convicted, or be, or be not amenable to justice, and shall be liable to the same punishment as the principal offender.

Penalties of this Act not to affect other punishments. **7.** Nothing in the two next preceding sections of this Act, or either of them contained, shall prevent the adoption of any other criminal proceedings which, before the passing of this Act, might have been had; nor shall anything in the said two sections, or either of them contained, nor any proceeding, conviction or judgment to be had or taken thereupon, prevent, lessen or impeach any remedy at law or in equity, which any party aggrieved by any of the said offences would have had, if the said two sections had not been included in this Act; but nevertheless, the conviction of the offender shall not be received in evidence in any action at law or equity against him; and no person shall be convicted of either of the offences aforesaid by any evidence disclosed by him on oath, in consequence of the compulsory process of a court of law or equity in any action, suit or proceeding instituted by any party aggrieved.

The word "highway." **8.** The word "highway," whenever it occurs in this Act, shall be held to mean, and include any public highway, street,

road, lane, alley, or other communication, as well as any public place or square.

**Inconsistent
Acts repealed** **9.** All parts of Acts, so far as inconsistent with the provisions of this Act, are hereby repealed.

BILL.

An Act to encourage the planting of trees upon the highways in this Province, and to give a right of property in such trees to the owners of the soil adjacent to such highways.

First Reading, 17th January, 1871.

MR. SCOTT (*North Grey*).

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to facilitate the establishment of Public Fairs,
and provide for the regulation thereof.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. The council of each county in the Province of Ontario shall
5 have power to authorize the holding of public fairs at one or
more of the most public and convenient places in each township
and village, and in each town not separated from the county, of
such county ; and the council of each town separated from a
county shall have the same power with respect to itself. Certain muni-
cipalities may
hold public
fairs.
- 10 2. The purpose for which such fairs may be held shall be Purposes for
restricted to the sale, barter and exchange of cattle, horses, which the
sheep, pigs, and other articles of agricultural production or re- held.
quirement.
- 15 3. Before passing a by-law to authorize the establishment of Fairs to be
any such fair, the council concerned shall pass a by-law estab- regulated by
lishing regulations for the government of public fairs within its by-law.
limits.
- 20 4. A council authorizing the establishment of a public fair Petitions for
shall do so only on the petition of a majority of the freeholders establishing
and householders living within a distance of miles from fairs.
the particular place where such fair is to be held, and any such
petition shall be required to contain the name and occupation
of each petitioner, and the name and number of the street or
concession and municipality, on, and in which such petitioner re-
25 sides, and to particularize the lot or lots on which it is proposed
to hold the said fair.
- 30 5. The authority to hold a public fair under this Act shall By-laws au-
be granted by by-law only, and such by-law shall fix the time or thorizing the
times in each year when the said fair shall be held, and shall holding of
fairs.
- 35 6. The council authorizing the establishment of a public fair Notice of by-
shall, immediately after the passing of a by-law for that purpose, law to be
give public notice of the same, and of the name of the person given.
appointed to see that the regulations for its government are car-
ried out, by advertisement in the *Ontario Gazette* and in one or
more newspapers published in the locality concerned, if such be

published therein, and if not, then in one or more newspapers published in some adjacent municipality.

Places for holding the fairs need not be mentioned in by-law.

7. It shall not be the duty of the council passing any such by-law to provide the place or land on which the fair is to be held.

No. 94.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to facilitate the establishment of Public Fairs, and provide for the regulation thereof.

First Reading, 17th Jan., 1871.

Mr. Scott (*North Grey*.)

TORONTO:

An Act to establish and declare the mode in which the side lines of the lots, in the Township of Huntly, in the County of Carleton, have been and shall be run.

WHEREAS by the petition of the reeve of the municipal corporation, and other inhabitants of the township of Huntly, in the county of Carleton, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the governing lines of the township as required by the Act hereinafter mentioned; And whereas the said reeve of the municipal council and inhabitants have prayed that the side lines may be drawn from post to post, without regard to the course of the side lines of the township; and it is expedient, under the circumstances aforesaid, to grant their prayer; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For, and notwithstanding anything to the contrary in the seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, and eightieth sections of the Act respecting land surveyors and the survey of lands, being chaptered seventy-seven of the Consolidated Statutes of Canada, or any other Act or law, all the side lines between lots in the township of Huntly shall be so drawn that the side line between any contiguous lots in any concession of the said township, shall be a line drawn from the post in the front of the concession to the corresponding post in the rear of the same concession, and any line so drawn shall be declared to be the true side line of the lots between which it shall have been drawn, subject, nevertheless, to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original post or monuments cannot be found, which provision shall in any such case apply equally to the posts or boundaries at both ends of the lots; provided that in case any party should, by reason of this Act, suffer any injury or damage, such party shall be compensated by the party or parties benefitted by such changes; the compensation so to be paid, and the persons to pay and receive the same, shall be ascertained by a sworn surveyor, appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final; provided, also, that all lines heretofore run under and according to the aforesaid Act, or according to the terms of this Act, shall be the true and unalterable side and dividing lines between the lots in the said township of Huntly.

Side lines in Huntly to be drawn from post to post notwithstanding Con. Stat., c. 77.

Subject to certain provisions of the said Act when the post cannot be found.

Proviso compensation to be paid by parties benefitted to parties losing by this Act.

BILL.

An Act to establish and declare the mode in which the side lines of the lots, in the township of Huntly, in the county of Carleton, have been and shall be run.

First reading 17th January, 1871.

Mr. LYON.

An Act to provide for the organization of the territorial District of Thunder Bay.

WHEREAS it is desirable to provide for the erection of a Preamble.
 portion of the territory now embraced in the district
 of Algoma, into a separate territorial district.

1. The Lieutenant-Governor in Council, may, by proclamation declare that from and after a day to be named therein, the following territory shall, for the purposes of this Act, be and form one territorial district or division, by the name of the district of Thunder Bay, and that any township or land comprised in any such territory, shall, for the purposes of this Act, be detached from the District of Algoma.

Lieutenant-Governor may erect certain unorganized territory into a temporary judicial district to be called the district of Thunder Bay.

2. The Lieutenant-Governor in Council may divide the district of Thunder Bay into two or more divisions, and appoint and, from time to time, alter the number, limits, and extent of every such division, and may number the same consecutively, commencing at number one.

District may be divided into divisions.

3. A court shall be held in every such division, once in every three months, or oftener at the discretion of the stipendiary magistrate, who may appoint, and, from time to time, alter the times and places within such divisions when and at which such courts shall be holden subject to the approval of the Lieutenant-Governor in Council.

Court to be held in each.

4. The Lieutenant-Governor may from time to time, appoint in and for the said territorial district, a fit and proper person to be stipendiary magistrate thereof, who shall hold office during pleasure, and exercise, within such district, the magisterial, judicial and other functions herein expressed or provided for, and who shall reside in such place within the said district as the Lieutenant-Governor may direct.

Stipendiary magistrate may be appointed.

5. Every such stipendiary magistrate shall be paid out of the Consolidated Revenue Fund of this Province, the yearly sum of _____, to be paid quarterly, on the first days of January, April, July and October in each year, by equal portions; and may moreover have and take, to his own use, the fees authorized to be taken by Justices of the Peace or by their clerks, in cases of summary convictions.

Salary of such magistrate.

6. The oath to be taken by the stipendiary magistrate of the said district of Thunder Bay, in addition to his oath of office as a Justice of the Peace, shall be as follows:—

New form of oath.

40 "I, A.B., do swear, that I will truly and faithfully execute the several powers, duties and trusts committed to, or reposed

of me, by the Act to provide for the organization of the territorial district of Thunder Bay, without fear, without favour, and without malice. So help me God."

Con. Stat. U. C., chap. 128, ss. 5, 7 to 88 to apply with certain substitutions.

7. The provisions of the fifth, seventh, and following sections down to section number eighty-seven inclusive of chapter one hundred and twenty-eight, of the Consolidated Statutes of Upper Canada, intituled "An Act respecting the administration of Justice in unorganized tracts," shall extend and apply to the said district of Thunder Bay in the same manner and with the like effect, as if they and each of them were here inserted and re-enacted, and made applicable in express terms, to the said district of Thunder Bay, with the substitution of the words "Lieutenant-Governor," for the word "Governor;" the word "Ontario," for the words "Upper Canada;" the words "the said territorial District," for the words "such temporary Judicial District," "his temporary Judicial District," "the temporary Judicial District," "each temporary Judicial District," "any temporary Judicial District," "or every temporary Judicial District," the words "Commissioner of Agriculture and Public Works," for the words "Commissioner of Public Works;" the words "the District of Thunder Bay," for the words "the temporary Judicial District of"; the words "Treasurer of the Province," for the words "Minister of Finance;" the word "District," for the words "unorganized Country;" wherever the same occur in the said sections, or any of them.

Justices of the peace may be appointed. Qualification, &c., not necessary.

8. The Lieutenant-Governor in Council may from time to time, appoint fit and proper persons to be and act as Justices of the Peace in and for the said territorial district of Thunder Bay and it shall not be necessary for any such Justices of the Peace to possess any property qualification whatever, or to be a stated resident within the said territorial district.

Authority of such Justices.

9. The Justices of the Peace appointed under this Act shall have, hold and exercise all and any of the powers and authority, and be subject in all respects (except as to any matters incident to the residence or property qualification, required in cases not within the meaning of this Act) to the requirements of the laws in force in this Province, respecting the office of Justice of the Peace, in so far as the same may be applicable to the persons appointed under this Act, and not inconsistent with the removal of the restrictions hereby intended.

Justices may make commitments to the gaol of the territorial district.

10. Whenever, in the exercise of the powers and authority aforesaid, any Justice of the Peace, appointed under this Act, causes any person to be committed to prison, such Justice may cause such person to be committed to the common gaol of the said territorial district, and the keeper of the said gaol shall receive such person, and him safely keep and detain in such common gaol, in his custody until discharged in due course of law, or bailed in cases in which bail may be taken.

Returns of convictions.

11. And all returns of convictions required by law to be made by any Justice or Justices of the Peace for the said district of Thunder Bay, shall be made to the Clerk of the Peace for the district of Algoma.

12. The Lieutenant-Governor may from time to time direct that one or more suitable erections shall be provided by the

Commissioner of Public Works in the said district, for the safe custody of prisoners charged with crime or convicted of any offence, and every erection so provided shall be deemed a common gaol, and the common gaol of the said district. But
 5 criminal offenders, fully committed for trial, shall be committed to the common gaol of the district of Algoma, in such cases as would have been tried in the district of Algoma had the crime been committed there, and in other cases to the common gaol of the county of Grey, to be dealt with according to law, and
 10 such commitment shall be an authority to the gaoler of the common gaol of the district of Thunder Bay, to detain any offender mentioned therein until he is removed to the gaol mentioned in such commitment, but such offender shall not be detained in the gaol of Thunder Bay an unreasonable time, regard being
 15 had to the season of the year, and the possibility of travelling at the time of his commitment as aforesaid, and until such erections are provided, offenders may be committed to any suitable place within the said district of Thunder Bay.

13. In all cases arising in the said district, in which, accord
 20 ing to the general laws of this Province, an appeal lies from the decision of any one or more Justices of the Peace, to the general sessions of the peace, such appeal shall lie to and may be brought before and heard and determined by the court of general sessions of the peace for the district of Algoma, and
 25 shall be claimed and allowed and prosecuted in the same manner, and within the same period, as if the same had arisen within the limits of the said district of Algoma; Provided that no appeal shall lie from any judgment or decision of the stipendiary magistrate of the said district,

Appeal to be to the general sessions of the County of Simcoe.

30 14. The Lieutenant-Governor in Council may appoint a registrar of deeds, in and for the said territorial district, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands, situate in any part of the said territorial district, and laid out and sur-
 35 veyed by the crown, but until such appointment has been made, and published for one month in the *Ontario Gazette*, the same shall be registered in the registry office of the district of Algoma, as if this Act had not been passed.

Registrar of deeds may be appointed.

15. The said registrar shall keep his office in a place to be
 40 named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council, and his duties shall be the same as the duties of other registrars under the registry laws of this Province; and his fees shall be the same as those appointed and
 45 established by such registry laws.

Office, duties of fees and registrar.

16. The registrars of the district of Algoma when thereunto
 required by the Lieutenant-Governor, shall transfer and deliver
 to the registrar of the said district of Thunder Bay all books, deeds, papers, plans and documents in their possession res-
 50 pectively as such registrars referring or relating exclusively to any lands within the said district of Thunder Bay; and all the provisions of the registry laws of this Province relating to the transfer of books, deeds, memorials, plans, wills and other docu-
 ments or instruments from one registry office to another regis-
 55 try office, when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the

Certain registrars to transfer books, deeds, &c.

Registry laws to apply.

establishment of the said registry office of the said district of Thunder Bay.

Commissioners
for taking affi-
davits.

17. The superior courts at Toronto, may from time to time appoint commissioners for taking affidavits and recognizances of bail, in and for the said territorial district, and the Queen's writs shall run and may be executed in any part of the said district, and shall have the same force and effect upon persons and property as similar writs have in the organized parts of Ontario, and may be directed to the sheriff of the district of Algoma. 5

Schedule ap-
pended to Con-
Stat. U. C.
chap. 128 to
apply with
substitutions.

18. All the schedules appended to the said Act, intituled, "An Act respecting the administration of justice in unorganized tracts," are adopted, and are to be regarded and construed as appended to this Act; with the same substitution of one word for another word, and of one set of words for another set of words, as is hereinbefore provided in respect of the several sections of the said Act which are adopted and embodied in and made part of this Act. 10

For certain
purposes, dis-
trict to remain
as before this
Act.

19. For all municipal purposes, for the purpose of representation in the Legislative Assembly, and for the administration of civil and criminal justice, in all cases not provided for by this Act, the said townships and territory composing the said district of Thunder Bay shall remain as before the passing of this Act. 20

Certain pro-
visions of
chap. 19, Con-
Stat. of U. C.
adopted.

20. The provisions of the sections one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty; and of sections one hundred and sixty and the sections following, to section one hundred and seventy-three inclusive, and of section one hundred and thirty-nine, of the chapter nineteen of the Consolidated Statutes for Upper Canada, entitled, "An Act respecting division courts," together with the provisions of an Act passed in the thirty-second year of Her Majesty's reign, intituled, "An Act to amend the Acts respecting division courts," shall extend and apply to the said district of Thunder Bay, and to the several courts established in the said district and to the proceedings in such courts, in the same manner, and with the like effect as if they, and each of them, were here inserted and re-enacted and made applicable in express terms to the said district. 25 30 35 40

21. The several instruments mentioned in section number seven of chapter forty-five of the Consolidated Statutes of Upper Canada, entitled "*An Act respecting mortgages and sales of personal property*," when made or executed within the said district of Thunder Bay, or affecting personal property therein, shall be registered in the office of the clerk of the first division court of the said district, at and when so registered shall have the like effect as similar instruments executed in any county of this Province have, when registered in the office of the clerk of the county court of the proper county. 45 50

Lieut.-Gov.
may annex
other territory

22. The Lieutenant-Governor in Council may from time to time, by proclamation, detach any township or territory from

the district of Algoma, and annex the same to the said territorial District of Thunder Bay, and may also, by any subsequent proclamation, declare that the said District of Thunder Bay, with or without any other territory, shall, from a day to be mentioned in such last mentioned proclamation, constitute and form a provisional judicial district, under the provisions of the ninety-second section of the said chapter one hundred and twenty-eight, of the consolidated statutes of Upper Canada.

and may erect
said district in-
to a provi-
sional judicial
district under
Con. Stat. U.
C. c. 128, s. 92.

No. 96.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to provide for the organization of
the Territorial District of Thunder Bay.

First reading, 17th January, 1871.

Hon. Atty.-Gen. Macdonald

TORONTO:

No. 97.]

BILL.

[1871.

An Act to alter the names of the Superior Courts in Ontario.

WHEREAS it is expedient to alter the names of the Superior Courts in accordance with the change that has been made in the name of this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The "Court of Queen's Bench for Upper Canada," shall, The Queen's Bench. during the reign of a King be called "His Majesty's Court of King's Bench for Ontario," and during the reign of a Queen "Her Majesty's Court of Queen's Bench for Ontario."
- 10 2. "The Court of Common Pleas for Upper Canada," shall The Common Pleas. be called "The Court of Common Pleas for Ontario."
3. "The Court of Chancery for Upper Canada" shall be The Court of Chancery. called "The Court of Chancery for Ontario."
- 15 4. Notwithstanding anything herein contained, no writ process or pleading shall be held void of irregular, merely on Style of court in process or pleading. account of the use of the old style of any of said Courts, but the same shall be as valid as if the proper style of such Court had been used.
- 20 5. The last preceding section of this Act shall be in force until the first day of January, in the year of our Lord one thousand eight hundred and seventy-two, and no longer, and Section 4 to be in force only to 1st January, 1872. after such time the same effect and no other shall be given to such misnomer as if such section had never been passed.

No. 97.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to alter the names of the Superior
Courts in Ontario.

First Reading, 17th January, 1871.

Hon. Atty.-Gen. MACDONALD.

TORONTO:
PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to incorporate the Brockville and Westport
Railway Company.

WHEREAS it is desirable that a railway should be con- Preamble.
structed from the town of Brockville to Westport, in the
township of North Crosby, and the persons hereinafter men-
tioned, having petitioned to be incorporated for that purpose, it
5 is expedient to grant the prayer of such petition ; Therefore,
Her Majesty, by and with the advice and consent of the Legis-
lative Assembly of the Province of Ontario, enacts as follows :—

1. Jacob Dochstader Buell, Stafford McBratney, Samuel Incorporation.
McNish, James William Brierton Rivers, Sidney Alden Taplin,
10 Edward Moles, William Plumsteel, James Moulton, Ernestus
Chester Sliter, Henry Green, Samuel Southmayd Scovil,
Stephen Seaman, James Denny, William Hartwell Fredenburgh,
Declair Foley, Richard Preston, John Draffin, Rufus Brown,
Isaac Alguire, William Bell, Walter Henderson Denaut, Harry
15 Abbott, Robert Fitzsimmons, Allan Turner, Herbert Chilion
Jones, Albert Norton Richards, and Benjamin Tett, together
with such persons and corporations as shall, in pursuance of this
Act, become shareholders of the said company hereby incorpo-
rated, are hereby constituted and declared to be a body, corpo- Corporate
20 rate and politic, by the name of "The Brockville and Westport name.
Railway Company."

2. The several clauses of the Railway Act of the Consoli- Certain
dated Statutes of Canada, and amendments, with respect to the clauses of the
first, second, third, fourth, fifth, and sixth clauses thereof, and Railway Act
25 also the several clauses thereof with respect to "interpretation," to apply.
"incorporation," "powers," "plans and surveys," "lands and
their valuation," "highways and bridges," "fences," "tolls,"
"general meetings," "president and directors, their election
and duties," "calls," "shares and their transfer," "muni-
30 palities," "shareholders," "action for indemnity, and fines and
penalties and their prosecution," "by-laws," "notices, &c."
"working of the railway," and "general provisions" shall be
incorporated with, and be deemed to be part of, this Act, and
shall apply to the said company and to the railway to be con-
35 structed by them, except only so far as they may be inconsistent Interpretation
with the express enactments hereof ; and the expression "this of words
Act," when used herein, shall be understood to include the "this Act."
clauses of the said Railway Act, so incorporated with this Act as
aforesaid.

40 3. The said company hereby incorporated, and their servants Construction
and agents, shall have full power under this Act to construct a of railway.
railway from any point in the town of Brockville, or on the line
of the Brockville and Ottawa Railway, or the Grand Trunk
Railway of Canada, through all or any of the townships of

Elizabethtown, Kitley, Front of Yonge, Rear of Yonge and Escott, Rear of Leeds and Lansdowne, Bastard and Burgess, South Crosby and North Crosby, to the village of Westport, or any other point in the said last-mentioned township, with full power to pass over any portion of the country between the points afore- 5 said through all or any of the said townships or town as may be determined upon, and to carry the railway through the Crown lands, if any, between the same, and with power, by the consent of the Brockville and Ottawa Railway Company, to lay down one or more tracks on the land of that company to the 10 river Saint Lawrence, and to use the same and the tracks, switches, depot grounds, locomotive house, station houses, warehouses, and other premises and works of that company, and to enter into an agreement with that company to compensate them for the same, and also with power, 15 by the consent of the Grand Trunk Railway Company of Canada, to lay down one or more tracks on the land of that company and to use the same, together with the station buildings, locomotive house, warehouses and other premises in Elizabethtown or Brockville, and to enter into an agreement to 20 compensate that company therefor, and also with power to construct one or more telegraph lines on their own land, or on the land of the said other companies or either of them with their consent, and work the same for the use of the company, or to enter into an agreement with any telegraph company to 25 use their line, or to allow them to construct a line on the land of the company to be used by the company or otherwise as may be agreed upon.

Powers as to
steamboats
and vessels.

4. The said company shall have power to purchase, build, complete, fit out and charter, sell or dispose of, work and 30 control and keep in repair steam or other vessels to ply on the Rideau Canal waters and on the River Saint Lawrence in connection with the said railway, and also to make arrangements and agreements with steamboat proprietors to run steamers or other vessels on the said Rideau Canal waters or 35 the River Saint Lawrence.

Gauge of rail-
way.

5. The gauge of the said railway shall not be less than three feet, but shall be otherwise in the discretion of the company.

Conveyances
of lands.

6. Conveyances of lands to the said company for the 40 purpose of this Act may be made in the form set out in the schedule hereunder written, or to the like effect, and such conveyances shall be received by the registrar and be registered by duplicates thereof, and upon such proof of execution as is or may be required under the Registry Laws of Ontario, and 45 the registrar shall not be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates, and no greater sum than fifty cents shall be paid to the registrar for a general search into the title of 50 any of such lands.

How register-
ed.

Provisional
directors.

7. From and after the passing of this Act the said William Hartwell Fredenburgh, Declau Foley, John Driffin, Samuel Southmayd Scovil, George Brown, Isaac Alguire, Philo Hicock, William Bell, Stephen Seaman, Lewis Chipman, Sidney Alden 55 Taplin, Edward Moles, Stafford McBratney, James William

Brireton Rivers, Jacob Dockstader Buell, Allan Turner, Harry Abbott, and Albert Norton Richards, shall be provisional directors of the said company.

8. The said provisional directors, until others shall be
 5 named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than two other persons, who upon being so named shall become and be directors of the company equally with themselves,
 10 to open stock books and procure subscriptions of stock for the undertaking, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such boards.
 15 The said directors or a majority of them may in their discretion exclude any person from subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if more than the whole stock shall have been
 20 subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if
 25 in their judgment this will best secure the building of the said railway.

Powers of provisional directors.

Provisional directors may exclude certain persons from subscribing.

9. The capital of the company hereby incorporated shall be
 five hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Act), to be divided
 30 into ten thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of
 35 this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and for no other purpose whatsoever; and until such preliminary expenses shall
 04 be paid out of the capital stock, the municipality of the town of Brockville, and of any township or union of townships on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall afterwards be refunded such municipality
 45 from the capital stock of the company, or be allowed to it in payment of stock; and all grants heretofore made by any municipal council for such expenses, are hereby confirmed; and it shall further be lawful for all or any of the municipalities aforesaid, or for any other municipality or municipalities in the
 50 counties of Leeds, Frontenac or Lanark, to aid and assist the said company by loaning or giving money by way of bonuses, or other means, to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think
 55 expedient: Provided always that no such aid, loan or bonuses shall be given, except after the passing of the by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act or the Municipal Acts.

Capital stock of the Company.

Preliminary expenses.

Certain municipalities may aid the company.

Proviso.

If a portion of a municipality desire to aid, council to pass a by-law,

10. In case the majority of the persons rated on the last assessment roll as freeholders, as may be qualified voters under the Municipal Act, in any portion of a municipality, do petition the council of such municipality to pass a by-law as hereinafter set out; such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid the construction of the said railway by loaning or giving money, by way of bonuses or other means, (not defining which), and stating the amounts which they so desire to loan or grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified votes in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act;

for issuing debentures,

(1.) For raising the amount so petitioned for, by such freeholders in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery as may be then or afterwards agreed upon between the company and the municipality on behalf of such part thereof granting aid to said company of the debentures for the amount of the said loan or bonus;

for assessing and levying rate.

(2.) For assessing and levying upon all the ratable property lying within the section so defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the payment of the debentures with interest thereon, said interest to be payable yearly or half yearly, which debentures the municipal councils and the Reeves and other officers thereof, are hereby authorized and required to execute and issue in such cases respectively.

Municipal Acts to apply to by-laws.

11. The provisions of the municipal Acts shall apply to any loan or bonus so made or granted, or by-law so passed by or for a portion of a municipality.

Council of Leeds and Grenville may exchange their debentures with the townships.

12. The county council of the united counties of Leeds and Grenville, shall be at liberty to take the debentures issued by any township municipality in the said united counties, and in exchange therefor, to issue and hand over to the said township municipality the debentures of the county, on a resolution being passed to that effect by a majority of the said county council.

Agreements between municipalities and company regarding debentures.

13. Whenever any municipality or part of a municipality shall make a loan or grant a bonus to aid the said company in the making, equipment, and completion of the said railway, the provisional or elected directors may make an agreement on the part of the said company with the said municipalities, touching the manner of depositing the said debentures in the hands of some third party, for the benefit of the company, their conversion into cash, and the delivery of the said cash or the debentures themselves, to the company as the work progresses, and otherwise concerning the manner of the said aid reaching the company as may seem meet, and, also, as to whether the aid shall be a bonus or a loan or part of each.

14. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the town of Brockville, (which shall on 5 no account be withdrawn therefrom unless for the service of the company) the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

General meeting for election of directors.

10 **15.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five subscribers who have so paid up ten per centum, and who are sub- 15 scribes among themselves, for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper published in the town of Brock- 20 ville once in each week, for the space of at least one month, and such meeting shall be held in the town of Brockville at such place therein, and on such day as may be named by such notice.

How meeting may be called if the provisional directors neglect to call the same.

Notice of general meeting.

16. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum there- 25 of with such proxies as may be present, shall choose five persons to be directors of the company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

17. No person shall be qualified to be elected as such direc- 30 tor by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Brockville, and on such days and at such 35 hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the town of Brockville.

Qualification of directors.

18. Special general meetings of the stockholders of the said 40 company may be held at such places in the town of Brockville, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Special general meetings.

19. The directors of the said company, after the sanc- 45 tion of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-president of the said company, and countersigned by the Secretary and Treasurer (who may be 50 the same person) and under the seal of the said company, to be called first class bonds for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken, and considered to be the first and preferential claims and charges upon the under- 55 taking and the property of the company, real and personal, and

Issue of bonds.

Proviso.

then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid; Provided, however that the whole amount of such issue of bonds shall not exceed in all the sum of _____ dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital together with the amount of paid up municipal and other loans and bonuses, and which have been actually expended in surveys and in works of construction upon the line; And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, such registration not to affect the right to transfer the same by delivery.

Securities may be made payable to bearer.

20. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, unless registered as hereinafter provided, and any holder of any such so made payable to bearer, if not so registered, may sue at law thereon in his own name, but directors shall have power to pass by-laws for the purpose of providing for registration of such bonds, debentures and other securities, and coupons and interest warrants, and thereafter any holder of such may cause the same to be registered, after which the same shall only be assignable, pursuant to the terms of such by-laws, (which shall not be changed or registered without the assent of such registered holder,) and the registered holder, or his personal representative, only shall thereafter be entitled to sue thereon.

Registration of securities.

Company may make promissory notes, etc.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the president or vice-president of the company and counter-signed by the secretary and treasurer, (who may be the same person,) of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted. Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Scale of votes.

22. Every holder of one or more shares of the said capital stock shall at any meeting of the shareholders, when entitled

to vote, have one vote for every share held by him, and every bond holder, when entitled to vote, shall have one vote for every fifty dollars of bonds held by him.

23. At all meetings of the company, the stock held by How stock held by corporations to be represented.
 5 municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law, and such person shall, at such meeting, be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless
 10 all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

24. At any meeting of the directors of the said company, Quorum of directors.
 regularly summoned, at which not less than a majority of the
 15 provisional directors or three of the directors elected by the shareholders shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

25. On the subscription for shares of the said capital stock, Ten per cent of the stock to be paid up.
 20 or within ten days thereafter, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

26. Thereafter, calls may be made by the directors for the Future calls.
 time being as they shall see fit; provided that no calls shall be made at any one time of more than twenty per centum of the amount subscribed by each subscriber.

27. Whenever it shall be necessary, for the purpose of pro- Land for stations gravel pits, etc.
 30 curing sufficient lands for stations or gravel-pits, or way thereto, or for constructing, maintaining and using the said railway, it is enacted that the said company may hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey
 35 the same, or parts thereof, from time to time, as they may deem expedient, and for the purpose of attaining, constructing and maintaining the same, all the provisions of this Act shall be applicable.

28. In case it should have been agreed upon by and between Third class bonds.
 40 the company and the municipalities and parts of municipalities granting aid to the company, that the same should be a loan instead of a bonus, then the company shall, from time to time, (if they do not issue second-class stock, as hereinafter provided), issue their bonds, to be called third-class bonds, made and
 45 signed as the first-class bonds of the company, and deliver the same to the said municipalities, from time to time, as the aid of the municipalities may be received by the company; and such third-class bonds shall be payable to the said municipalities respectively, out of the net revenues of the railway,
 50 and shall not be assignable, and shall be subordinate to and postponed to the first-class bonds and the paid-up stock of the company; but they shall rank and be a lien upon the net revenues of the undertaking immediately after the retention therefrom, by the company, of a sum equal to ten per centum,

per annum, on the amount of the first-class bonds and the stock paid up, which is to be applied towards payment of interest on said bonds and dividends on said stock, and no action at law shall be maintainable on any such third-class bonds.

5

Second-class
stock.

29. The company may, in their option, instead of issuing such third-class bonds, convert its stock into first and second-class; such second-class stock to be equal to the amount of the aid of said municipalities or parts of municipalities, and from time to time, as may be agreed upon, the company may issue 10 to the said municipalities or parts of municipalities, scrip certificates of paid-up second-class stock (which shall not be assignable) equal in amount to the advance of the aid from time to time, to the company; and such second-class stock, as soon as issued, shall rank on the net revenue of the railway 15 next after the retention therefrom of a sum equal to ten per centum, per annum, on the amount of the first-class stock and the first-class bonds, to be applied in payment of interest on said first-class bonds, and dividends on said first-class stock; and no dividends shall be paid on such second-class stock until 20 after the said retention, as aforesaid; the residue of the net revenue shall be paid to the second-class stockholders or third-class bondholders: Provided that such last mentioned payments shall not exceed the annual payments of interest to be paid on the debentures issued by the municipalities, and in case there 25 be any residue of revenue thereafter, the same shall be paid to the first-class stockholders.

Proviso.

Amount of
first-class
bonds and
first-class
stock limited.

30. The amount of first class bonds and first class stock, or of such stock in case there be not any of such bonds issued, which shall rank before the third class bonds, or second class 30 stock shall not exceed such a sum as when added to the aid of the municipalities or parts of municipalities, and bonuses from other sources shall amount to the sum of

, but the company may with the consent of the said municipalities and parts of municipalities 35 so aiding the railway, sell paid up first class stock at not less than ten per centum discount, to any sum not exceeding the whole capital stock of the company, for the purpose of completing the undertaking, and the company shall at any time be at liberty to cancel the third class bonds or second class stock, 40 by paying to the said municipalities, or parts of municipalities, respectively, the interest on the several amounts of their aid to the railway, from the time of their paying the same or the said debentures, and paying them a sum equal to three-fourths of the aid granted to the company, and for such purpose the company 45 may sell first-class paid up stock at not less than ten per centum discount to any amount not exceeding their capital, but for that purpose, they may, if necessary, increase their capital according to the provisions of the railway Act.

50

Election by
municipalities
of directors by
third-class
bond or
second-class
stock holders.

31. Whenever the third class bonds or second class stock issued to the municipalities or parts of municipalities shall amount to or exceed one hundred thousand dollars, and so long as the said municipalities shall not receive out of the said residue of said net 55 revenues of the railway, sufficient to pay the interest on the debentures issued by them to aid the company, and until the same are cancelled as in this Act provided, the said municipalities and parts of municipalities shall at the annual election of directors

elect one director of the said company, to be elected by a majority in amount of such bonds or second class stock-holders, and the voting of the municipalities or parts of municipalities for such director shall be by the reeves thereof, or by such person
 5 as such reeves may authorize, and the first class stock holders and the first class bond holders, when entitled to vote, shall thereafter, so long as the municipalities and parts of municipalities are entitled to elect one director, elect four directors of the company, and in case of neglect of the municipalities to elect their
 10 director at the time of the election of the said four directors, the said first class stock holders and such first class bond holders, (when entitled to vote) may elect one in his stead.

32. Unless when otherwise expressly enacted, the municipal council of any township, part of which shall have granted aid to
 15 the said company shall for the purposes of working out this Act represent and act for such part of said municipality.

Council of townships to represent portions of municipalities aiding.

33. The holders of third class bonds or second class stock shall exercise no power or authority in the management of the railway beyond the election of their director; but all the other
 20 powers and authorities herein and in the Railway Act made apart of this act to be exercised by stockholders, shall be exercised by the holders of the first class stock, and first class bond-holders when entitled to vote.

Rights of holders of bonds.

34. It shall be lawful for the corporation of any municipality through any part of which the railway is to pass or is
 25 situate by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in
 30 gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, and any such municipality may further assist said company by purchasing and granting to the said company the land for the right
 35 of way, station grounds, gravel pits, and workshops in said municipality.

Municipalities may exempt property of company from taxation.

35. That before the election of the directors by the shareholders, the necessary by-laws to grant such aid as aforesaid to
 40 the company may be passed, the debentures issued, and the agreement entered into between the company (by the provisional directors,) and the said municipalities, relative to depositing such debentures in the hands of some party, and as to the mode of their conversion into cash and the delivery of the said
 45 cash or the debentures themselves to the company, such agreement containing such other terms as may be agreed upon for the protection of both the municipalities and the company and the party or parties who may hold the debentures or money.

By-laws may be passed and debentures issued, etc., before election of directors.

36. Nothing in this act shall prevent any municipality from
 50 subscribing for stock of the company, pursuant to the railway act or municipal act.

Municipalities may subscribe for stock under the Railway or Municipal Acts.

37. And whereas the Corporation of the Town of Brockville heretofore raised money not exceeding in amount the sum of one hundred thousand pounds, under the acts men-

tioned in the eighty-seventh section of chapter eighty-three of the Consolidated Statutes of Canada, and the Corporation of the Township of Elizabethtown, raised money not exceeding in amount the sum of fifty thousand pounds under the said acts, and the Corporation of the lately united Counties of Lanark and Refrew raised money not exceeding in amount the sum of two 5 hundred thousand pounds under the same acts, which money was loaned to the Brockville and Ottawa Railway Company, and was secured by a first mortgage on the railway of the said company; and the said municipalities of Brockville and Elizabeth- 10 town are liable to pay the annual rate mentioned in the eighty-eighth section of the said chapter eighty-three of the said Consolidated Statutes, and on the nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty, an act was passed intituled, "An Act further to Amend the Act Incorporating the Brockville and Ottawa Railway Company, limiting the 15 amount to be paid by the said Brockville and Ottawa Railway Company under the said mortgage to the amount the said three municipalities were obliged to pay under the said eighty-eighth section, and making provision for the payment of the same by the said company direct to the Government, and, in as much as 20 the security of the said corporations under the said mortgage is the first charge upon the railway and works, costing upwards of three millions of dollars, the said security is ample to secure the payment of any amount the said municipalities are liable to pay under the said eighty-eighth section; and whereas the cor- 25 porations of the town of Brockville and of the township of Elizabethtown, or some part thereof, being desirous of aiding the said company by this Act incorporated, it is enacted that nothing in the said Act intituled "An Act respecting the Consolidated Municipal Loan Fund," being said chapter eighty of 30 said Consolidated Statutes, or in any other statutes, shall prevent the corporations of the town of Brockville and of the township of Elizabethtown, or of some portion thereof, granting aid to the said company under this Act, as if no such sums of money had been raised by them as aforesaid under the said Acts 35 and in the by-laws to be passed by said corporations to raise said aid; the said debt contracted by them in raising said money as aforesaid shall not be stated, nor shall the same be considered as a debt so as to prevent the said corporations from passing said by-laws or granting such aid; and all moneys 40 raised under the by-laws so to be passed shall be applied towards payment of the interest and providing a sinking fund to pay the principal of the debentures to be issued under said by-laws as may be stated therein.

Aid to com-
pany by cor-
porations of
Brockville and
Elizabeth-
town.

Company may
buy and sell
cord wood.

38. The company may in addition to their other powers buy 45 and sell cord wood.

Directors may
allow sub-
scribers to pay
up stock in
full,

39. The directors may, in their discretion, allow any sub- 50 scriber of shares in the stock of the company to pay up the same or any part of the money due upon the same, whether called for or not, in land, labor, work or materials necessary for the Railway, and upon so much of the value of the said land, work, labor or materials, as may be paid in advance, or so much thereof from time to time as exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay in- 55 terest at the legal rate of interest for the time being, as the shareholder paying such sum in advance and the company may

and allow
interest there-
on.

agree upon, but such interest shall not be paid out of the capital subscribed.

40. Any contract or agreement made by any party under the second sub-section of section eleven of the Railway Act may, if the said party sees fit, stipulate that the land therein mentioned shall be paid for at the price agreed upon in stock, and the said party shall thereafter subscribe the number of shares sufficient to pay for said land, and in case possession of the said land is taken by the company, interest shall be allowed from such taking of possession on all amounts of the price of the land in excess of the calls then made on the stock subscribed.

Land may be paid for in stock.

41. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act, the powers conferred on telegraph companies by the Act intituled, "An Act respecting Electric Telegraph Companies," are hereby conferred upon the company, and the other provisions of the said act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

42. It shall be lawful for the said company to enter into any agreement with the Brockville and Ottawa Railway Company for leasing the railway to be constructed under this act, or any part thereof, or the use thereof at any time or times for any period not exceeding twenty-one years, to such other company, or for leasing, or hiring from such other company any railway, or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with such other company touching the use by one or the other or by both companies of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor and every such agreement shall be valid and binding and shall be enforced by the courts of law according to the terms and tenor thereof, and any company accepting and executing such lease shall be, and hereby is empowered, to exercise all the rights and privileges in this charter conferred: Provided that any such agreement may be annulled by a vote of one-quarter in amount of the stockholders entitled to vote for directors, or by the municipalities and parts of municipalities granting aid to the company, or a majority of them, in amount of said aid, as and whenever they do not receive out of the residue of the revenues of the railway as aforesaid, sufficient to pay the interest on their debentures issued as aforesaid, unless three-fourths in amount of the stockholders, and the said municipalities and parts of municipalities shall have confirmed such agreement.

Agreements with other companies.

Proviso.

43. The original subscribers or any future transferor or transferee of the capital stock of the company, shall always be held personally liable to the company and to the creditors thereof, for all or any part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon, whether made before or after any such transfer, and in any action brought for the recovery of any call or calls upon such stock, the company may in the first instance sue the original subscriber or the person or persons to whom the same may have been transferred or all of them contemporaneously or otherwise, as the com-

Liability as to the capital stock.

pany may elect, and failing to receive payment from any transferee, may in any action against the original subscriber or previous holder in addition to the unpaid calls on such stock recover the costs of any previous actions in which the company may have recovered judgment against any other of the parties liable for such calls, or may recover the costs alone in case the calls have been recovered from such previous subscriber or holder. 5

Provision in case the revenues be insufficient to allow a retention of ten per centum on first-class bonds and first-class stock.

44. In case it should happen that the net revenues of the railway will not in any year be sufficient to allow the retention thereof of a sum equal to ten per centum on the first class bonds and first class stock, the directors shall out of the net revenue in any other year or years, retain as well the ten per centum to be retained for that particular year, as enough to make up the deficiency of any previous year or years, so that before any of the net revenue of the railway are payable to the second class stock or third class bond holders, there must have been retained thereof a sum or sums equal to the said ten per centum per annum on the amount of the said first class bonds or first class stock, for every year from the first issue of the said first class bonds and the paying of calls on the first class stock. 15 20

Commencement and completion of railway.

45. The railway shall be commenced within years, and shall be completed within years, after the passing of this Act.

SCHEDULE.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) (insert also the name of wife or any other person who may be a party), in consideration of dollars paid to me (or as the case may be) by the Brockville and Westport Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said do grant and release, or bar, my dower in as the case may be) all that certain (or those certain parcels, as the case may be) of land, situate (describe the land), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Brockville and Westport Railway Company, their successors and assigns, for ever.

As witness, my (or our) hand and seal (or hands and seals), this day of , one thousand eight hundred and

Signed, sealed and }
delivered in the }
presence of }

[L. S.]

BILL.

An Act to incorporate the Brockville and Westport Railway Company.

(PRIVATE BILL.)

First reading 17th January, 1871.

Hon. Mr. RICHARD

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Gananoque and Rideau
Railway Company.

WHEREAS the parties firstly hereinafter named have peti- Preamble.
tioned the Legislature for an Act of Incorporation to con-
struct a railway from the Village of Gananoque, on the River
Saint Lawrence, to the Grand Trunk Railway, and thence to
the Village of Merrickville, on the Rideau Canal, with a branch
to the Village of Westport; And whereas it is expedient that
the prayer of said petition shall be granted: Therefore Her
Majesty, by and with the advice and consent of the Legislative
Assembly of the Province of Ontario, enacts as follows:—

10 1. That Charles B. Chrysler, Samuel McCammon, David Incorporation:
Ford Jones, Reuben P. Colton, William Byers, W. G. Matthews,
Jesse Strenden, William Brough, Robert Byers, J. Skinner,
Charles M. Parmeter, George Beaumont, Sylvester Skinner,
A. Skinner, S. C. Skinner, William B. Carroll, John Ormiston,
15 together with such other persons or corporation or corporations
as shall, under the provisions of this Act, become shareholders
in the company hereby incorporated, shall be and are hereby
ordained, constituted and declared to be a body corporate and
politic, by and under the name of the "Gananoque and Rideau
20 Railway Company." Corporate names.

2. The several clauses of the Railway Act, with respect to Certain
the first, second, third, fourth, fifth and sixth clauses thereof, clauses of Rail-
and also the several clauses of the said Act with respect to "In- way Act in-
terpretation," "Incorporation," "Powers," "plans and surveys," corporated
15 "Lands and their valuation," "Highways and bridges," with this Act.
"Fences," "Tolls," "General meetings," "President and di-
rectors, their election and duties," "Calls," "Shares, and
their transfer," "Municipalities," "Shareholders," "Actions
for indemnity, and fines and penalties, and their prosecution,"
30 "Notices, &c.," "Working of the Railway," and "General
provisions," shall be incorporated with this Act; and the ex- Interpretati
pression "this Act," when used herein, shall be held and under of the words
stood to include the clauses incorporated with this Act, save "this Act."
and except in so far as they are varied by any of the provisions
35 of this Act.

3. The company hereby incorporated, and their agents or Construction
servants, shall have full power and authority under this Act, of railway.
to lay out, construct and finish a railway from such point
within the limits of the village of Gananoque, on the river
40 Saint Lawrence, as to the directors of the company may appear
expedient; thence in the direction of the Grand Trunk Rail-
way, so as to secure a favorable connection with the said
railway, at some convenient point within the limits of the town-

ship of the front of Leeds and Lansdown, thence through the townships of the front of Leeds and Lansdown, the township of the rear of Leeds and Lansdown, the townships of South Crosby, the township of Bastard, the township of Ketley, the township of Wolford, to the village of Merrickville, on the Rideau Canal, in the township of Wolford, with a branch road to the village of Westport, in the township of North Crosby, from such point in the township of South Crosby or Bastard, as may be deemed advisable; and the said company shall have power and authority to construct the same in different sections, in such order as they see fit, keeping in view the general direction as hereinbefore provided, and with full power to pass over any portion of the country between the points aforesaid, and to carry said railway through the Crown lands lying between the points aforesaid; and it shall and may be lawful for the said company to take and appropriate for the use of said railway, and the works connected therewith, but not to alienate, so much of the land covered with the waters of any river or stream, as may be necessary for the works of the said railway.

Guage of railway.

4. The guage of said railway shall be such as the directors in their discretion may determine upon, with power to lay down a third or more rails, as they may think proper.

Capital stock
\$250,000.

Shares \$50
each.

Expenses of
Act.

Municipal
loans.

5. The capital stock of the said company shall be two hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into five thousand shares of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, town, village or township to pay out of the funds of such municipality, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses, or any part thereof, as to the council of such municipality may appear expedient, and in the case of a loan, any sum thus advanced shall be refunded to the municipality from the stock of the said company, or shall be allowed in payment of any stock or bonus which may be subscribed for by such municipality.

Provisional
directors.

6. The said Reuben P. Colton, David Ford Jones, Samuel McCammon, William Byers, Charles B. Chrysler, Henry Merrick, Edmund Burrett, Jr., Hiram Davidson, Hiram McCrea, William H. Fredenburg, James Preston, James Moulton, Henry Green, Joshua Lake, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders; and it shall be lawful for the provisional directors for the time being of the said company or a majority of the said directors present at a meeting called for the purpose, to supply the place or places of

Vacancies,
how supplied.

any of their number from time to time dying or declining to act as such provisional directors, and to associate with themselves, at a meeting of directors called for the purpose of deciding thereon, not more than five other directors, who shall thereupon become and be directors of the company equally with themselves, which appointment, whether by reason of death or resignation or the association of not more than five other directors, shall be made from the several subscribers for stock in the said railway company to the amount of five hundred dollars each during the period of their continuance in office, and upon which stock all calls shall have been paid.

7. The board of Provisional directors shall have full power to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to call a general meeting of the shareholders for the election of directors, as hereinafter provided; and such provisional directors shall be, and they are hereby invested with all the powers, rights, privileges, and immunities, and they shall be and are hereby made subject unto the like restrictions as the elective directors of the said company, upon their being elected by the stockholders of the said company, as hereinafter provided, would, under the provisions of "The Railway Act" and of this Act, become invested with or subject unto, respectively.

Power of provisional board.

8. It shall and may be lawful for the provisional directors of said company, for the time being, or a majority of them, so soon as they may think proper, to call a meeting of the subscribers for stock therein, for the purpose of electing directors of the said company, giving at least one month's notice in two or more newspapers published in the county of Leeds, of the time and place of such meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall have paid ten per centum upon the stock subscribed by them, shall elect nine persons to be directors of the said company, in the manner, and qualified as hereinafter provided, which said directors, together with the *ex-officio* directors, under the Railway Act, shall constitute a board of directors, and shall hold office until the fourth Wednesday in January, in the year following their election.

Meeting for election of directors.

Nine persons to be elected.

9. On the said fourth Wednesday in January, and on the fourth Wednesday in January in each year thereafter, there shall be held a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect nine directors for the ensuing year in the manner and qualified as hereinafter provided, unless said number be increased or diminished as hereinafter mentioned, and public notice of such annual general meeting and election, and of the time and place at which such meeting shall be held, shall be published for at least one month before the day of election in two or more newspapers published in the county of Leeds, and all the elections for directors shall be by ballot, and the persons so elected, together with the *ex-officio* directors under "The Railway Act," shall form the board of directors.

Annual meeting.

Public notice.

Election by ballot.

10. The said company shall have power to pass a by-law, at a general meeting of the stockholders called for the purpose, to increase or diminish the number of directors of said company;

Changing the number of directors.

Provided that the said number of directors shall not be increased beyond sixteen or diminished to a less number than three.

Special general meetings.

11. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner and for such purposes as may be provided by the by-laws of said company. 5

Qualification of directors.

12. In the elections of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all the calls have been paid up. 10

Directors representing municipalities.

13. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock or granting a bonus an *ex-officio* director in said company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representative on said board of directors. 15

Scale of votes.

14. In the election of directors under this Act, and in the transaction of all business at general shareholders meetings, each shareholder shall be entitled to vote either in person or by proxy, and still be entitled to as many votes as he holds shares, but no shareholder shall be entitled to vote, in person or by proxy at any such meeting or at any special meeting of the shareholders of the said company, who shall not have paid at least ten per centum on each share, held or owned by him or her in the capital stock of said company, and all calls due upon his or her stock at the time of such election or meeting. 20

Representations at meetings of corporations.

15. At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law, and such persons shall, at such meeting, be entitled equally with other shareholders to vote by proxy. 30

Quorum of directors.

16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business, unless the number necessary to constitute such quorum be increased or reduced by a by-law passed at a general meeting of the stockholders, and the said board of directors may employ one or more of their number as paid director or directors. 40

Subscriptions for shares.

17. The said directors are hereby authorized and empowered to take all necessary steps for procuring subscriptions for shares in the stock books of the company, from parties desirous of becoming shareholders in the said company, until the whole of the capital stock authorized by this Act, shall have been taken up, and to make, execute, and deliver all such scrip and share certificates as to the said directors shall seem expedient. 54

Call on shares.

18. The directors may at any time call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said company, in such proportion as they may see fit; Provided that no such call or instalment shall exceed the sum of ten dollars per centum upon the 50

Proviso.

amount subscribed for by the respective shareholders in the said company, and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed; Provided also, that upon the occasion of any person
 5 or corporation becoming a subscriber for stock in the said company, it shall and may be lawful for the provisional and other directors of the said company for the time being to demand and receive, to and for the use of the said company, the sum of ten dollars per centum upon the amount by such
 10 person or corporation respectively subscribed, and also the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock; and all persons subscribing to the capital stock of the said com-
 15 pany shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid stock therein.

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19. The shares of the capital stock of the said company shall be transferable, and may from time to time be transferred to
 20 others by the respective shareholders and owners thereof; Provided always, that the original subscribers, or any future transferor, and the transferee, shall be always held personally liable to the said company and to the creditors thereof for all or any
 25 part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon, whether made before or after any such transfer, and in any action brought for the recovery of any call or calls upon such stock the said company may sue the original subscriber or the person
 30 or persons to whom the same may have been transferred as the said directors may elect, and failing to secure payment, may enter an action against and may receive from the original subscriber any unpaid calls on such stock, together with the costs of any previous actions in which the company may have recovered judgment against any other of the parties liable for such calls.

Shares transferable.

Liability of shareholders and transferees.

35 20. And it shall further be lawful for any municipality through any part of which or near which the railway and works of said company shall pass or be situated to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, and by purchasing
 40 and granting to the said company the land for the right of way, station grounds, gravel pits and work shops and otherwise in such manner and to such extent as such municipal corporation or corporations or any of them may think expedient, or issuing municipal bonds to or in aid of the company or for all or any of
 45 the hereinbefore mentioned purposes subject to such restrictions and conditions as may be mutually agreed on between such municipality and the directors of the railway, such directors and the council of such municipality being respectively authorized to make such agreements as may be necessary for the pur-
 50 pose; Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, and chapter-
 55 ed fifty-one,; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property; Provided that the annual rate of assessment shall not in any case exceed, for all purposes, three cents in the

Municipalities may aid by bonus.

Provided the by-laws be passed in conformity with municipal Act.

dollar on the actual value of the whole ratable property within the municipality, or portion of a municipality, creating such debt.

Bonus may be expended within the limits of the municipality granting the same.

21. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding said company to expend the whole of such bonus upon works of construction within the limits of the municipality granting the same, or upon such other portion of the works as may be agreed to by said municipality. 5 10

If portion of municipality desire Council to pass a by-law.

22. In case a majority of the persons rated on the last assessment roll as freeholders, in any portion of a county, town, township, or village municipality, do petition the council of such municipality, the said petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law: Provided the said by-law shall be approved of, as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of the municipality petitioning as aforesaid; 20 25

Proviso.

For issuing debentures.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of the debentures of the municipality, payable within twenty years, or sooner, and for the payment to the said company of the amount of said bonus or donation, at the time and on the terms specified in said petition; 30

For levying rate.

(2.) For assessing and laying upon all the ratable property lying within the section referred to by said petitioners, an annual special rate, sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively, and no by-law made in pursuance of the powers in this Act conferred shall be invalid merely by reason of any want of compliance with the said sections, provided such by-laws shall have been approved of by a majority of the persons voting and qualified to vote on such by-law, and shall settle such sufficient and special rates in the manner required by said sections. 40 45

Debentures to be held by trustees.

23. Whenever any municipality or portion of a municipality, shall grant a bonus or authorize the issue of bonds or debentures to aid the said company in the making, equipment and completion of the said railway, the debentures therefor, may at the option of the municipality within six weeks after the passing of the by-laws authorizing the same, to be delivered to three trustees, to be named one by the Lieutenant-Governor in council, one by the said company and one by the Warden of the united counties of Leeds and Grenville, said trustees to be residents in the united counties of Leeds and Grenville: Provided that if the 50 55

How trustees to be appointed

Proviso.

Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month from notice to him in writing of the appointment of the two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the Lieutenant Governor in council.

24. Any municipal corporation which shall aid the company by grant of a bonus or otherwise, may, before the debentures or bonus for such aid shall be delivered to the said trustees, require from the directors, for the time being, an agreement which shall specify the stipulations and conditions under which the monies arising from the sale of the debentures or bonds issued by such corporation shall be applicable for the purposes of the railway; and when the said monies shall become payable, pursuant to such agreement, the same shall be paid by the trustees to the company, upon the certificate of the chief engineer of the railway, in the form of Schedule B, of this Act; and the wrongfully granting any such certificate by such engineer, shall be a misdemeanor, punishable by fine and imprisonment by any court of competent jurisdiction.

Municipality may agree with company as to expenditure of bonus.

25. Any trustee appointed may be removed, and a new trustee appointed in his place, at any time, by the consent of the Lieutenant-Governor in Council, the said Warden, and the said Company.

Appointment of new trustees.

26. The said trustees shall receive the said bonds, debentures or other securities, and any coupons or interest warrants attached thereto, in trust; firstly, to deposit the same and the interest thereon, from time to time accruing, before the sale thereof, in any chartered bank having an office in the county of Leeds or city of Kingston, in the name of "the Gananoque and Rideau Railway Company Municipal Trust Fund Account," and upon notice to them to be given by the company, before the completion of the work to which the proceeds of any particular bonds or debentures shall be applicable, to convert such particular securities into money; secondly, to deposit the proceeds of such securities in the name of said account, and to pay the same to the company, upon the certificate of the chief engineer, and such certificate shall be attached to the cheques drawn by the trustees; and thirdly, in the event of the non-fulfilment of the agreement entered into between the company and any municipal corporation, within the time limited to return the said securities to such corporation: Provided that the company, if it so elect, having given notice of such, its election may, upon the completion of any work in respect of which any bonds or debentures shall be applicable, demand and receive the said bonds or debentures from the trustees in lieu of the proceeds thereof.

Trusts in which the debentures are to be held.

Proviso.

27. The act of any two such trustees to be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

28. It shall and may be lawful for the said company, their servants, agents, and workmen, to enter into and upon any lands of Her Majesty, or of any person or persons, body politic or corporate whatsoever, and to take and hold the same, for the purpose of procuring and taking gravel and ballast required for the constructing, maintaining or repairing the said railway and works thereunto belonging, whether such

Company may take lands for railway.

lands be delineated or set out in the plans or in the book of reference filed in pursuance of the provisions of "The Railway Act" or not, and to lay down a track and acquire the right of way from their main line of railway to the said gravel or ballast so required for the purposes of the company as afore- 5

Proviso. said: Provided always that the said company shall make compensation to the owner, or owners, of any such lands so taken or used, in the manner pointed out in the provisions of "The Railway Act," relating to lands and their valuation.

Company may make promissory notes. **29.** The said company shall have power and authority to 10 become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or any such bill of exchange drawn or accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said 15 company shall be binding on the said company, and the said president, vice-president, or the secretary or treasurer shall not be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein pro- 20

Proviso. vided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer intended to be circulated as money or as the notes or bills of a bank.

Directors may issue bonds. **30.** It shall be lawful for the directors of the said company 25 for the time being, to make, execute and deliver all such bonds, debentures, mortgages or other securities as to the said directors, for the time being, shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said company, or for raising any part thereof; 30 the said bonds, debentures and mortgages not to exceed in amount the paid up stock of the company, together with the municipal or other bonuses expended upon such railway, and all such bonds, debentures, mortgages or other securities shall without registration or formal conveyance be taken to be the 35 first and preferential claims and charges upon the undertaking and the property of the company real and personal then existing and at any time thereafter acquired, and each holder of the said securities shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon all property of 40

Proviso. the company aforesaid; Provided that the company may issue bonds or debentures for any sum hereby authorized in such manner and form as to constitute the same a first mortgage or charge upon any portion of said railway, and said company is hereby authorized to borrow from and become members of any 45 loan company or building society in the Province of Ontario for the purpose of such borrowing.

Bonds, &c., to be executed by President and countersigned. **31.** All bonds, debentures, and other securities shall be executed by the president, for the time being, of the company, and countersigned by the secretary, and may be made payable 50 to bearer; and all such bonds, debentures, and other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof 55

Proviso. for the time being, in their names; Provided always that no such debentures shall be issued for an amount less than one hundred dollars.

32. Deeds and conveyances, under this Act, for the lands to be conveyed to the said company for the purposes of the Act, shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act, marked "A"; and all Registrars are hereby required to register in the Registry books, such deeds, in the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said company are to pay the Registrar for so doing the sum of two shillings and six-pence, and no more.

Form of conveyances.

Registration of conveyances.

33. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway or any part thereof, or the use thereof at any time or times, or for any period to such other company, or for leasing or hiring from such other company any railway or part thereof, or for the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or moveable property of either or of both, or of any part thereof, or touching any service to be rendered by the one company or the other, and the compensation therefor; or such other railway company may agree for the loan of its credit to, or may subscribe to, and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

Agreements with other companies.

SCHEDULE "A."

KNOW ALL MEN BY THESE PRESENTS that I (*insert the name of the wife also, if she is to release her dower, or for any other purpose to join the conveyance*), in consideration of

paid to me (*or as the case may be*) by the Gananoque and Rideau Railway Company, the receipt whereof is hereby acknowledged, do hereby grant, sell and confirm unto the said the-Gananoque and Rideau Railway Company, their successors and assigns, all the certain parcel of land being and composed of (*describe the land*), to have and to hold the said land and premises, together with everything appertaining thereto, to the said the Gananoque and Rideau Railway Company, their successors and assigns, forever (*if dower released, add*), and I (*name the wife*) release my dower in the premises.

Witness hand and seal, this
 , one thousand eight hundred and
 Signed, sealed and delivered }
 in presence of
 2—99

day of

[L.S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

GANANOQUE AND RIDEAU RAILWAY COMPANY.

I, *A. B.*, chief engineer for the Gananoque and Rideau Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions specified in the agreement, dated the day of , between the Corporation of and the said Company, that is to say (*here set out the terms and conditions which have been fulfilled*), and that pursuant to said agreement the said Company is entitled to receive from the said trust the sum of

Chief Engineer.

No. 99.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Gananoque and Rideau Railway Company.

(PRIVATE BILL)

First Reading, 17th Jan., 1871.

Hon.^d Mr. RICHARDS.

TORONTO :

An Act to enable Charles C. Grove and Nicholas Nebelhoer to construct a Railway in the Township of Bertie, County of Welland.

WHEREAS Charles C. Grove and Nicholas Nebelhoer, of the City of Buffalo, in the State of New York, are the owners of lots numbers twelve in the first or front, and in second concessions of the township of Bertie in the county of Welland, and have by their petition represented, that the Buffalo and Lake Huron Railway crosses their said property, and that upon lot number twelve in the second concession of the said township, they have opened and are working a lime-stone quarry, and that most of the stone has to be carried across the said railway to be shipped from their wharf in front of lot number twelve in the first concession of the said township, and that at such quarry a large number of men are employed in quarrying and shipping stone and manufacturing lime, and that it would be a great convenience to them to have a railway from the said quarry to such wharf across the Buffalo and Lake Huron Railway; And whereas the said petitioners have prayed that an Act be passed to enable them to make and construct such railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said Charles C. Grove and Nicholas Nebelhoer, their heirs and assigns may make, construct and complete a railway with a single track from their said quarry on lot twelve in the second concession of the township of Bertie aforesaid, to a point at or near their present wharf in front of lot number twelve in the first concession of said township, across their said lands and the track of the Buffalo and Lake Huron Railway, at such place or point as they may deem best, and on a level with the said railway.

Power to construct the railway.

2. That the said Charles C. Grove and Nicholas Nebelhoer, their heirs and assigns, may at all times maintain, repair and reconstruct the said railway so to be constructed by them.

Maintenance, repair, etc., of railway.

3. That in making such railway, it shall not be lawful to hinder or prevent, or in any way interfere with the running of the trains on the Buffalo and Lake Huron Railway.

Railway not to interfere with B. & L. H. Railway trains.

4. That the railway hereby authorized to be constructed shall only be used in the day time, between sunrise and sunset.

When railway may be used.

5. The said Charles C. Grove and Nicholas Nebelhoer, their heirs and assigns, when working their said railway shall station

Precautions to be taken when the railway

crosses the
B. & L. H.
Railway
track.

a person at the point on their line where it may cross the Buffalo and Lake Huron Railway, and no car or train shall proceed over such crossing on their said railway until signal has been made to the person in charge thereof that the way is clear; nor shall it be lawful for any train or car on the railway hereby authorized to be constructed to hinder, prevent or delay any locomotive or train on the Buffalo and Lake Huron Railway; nor shall it be necessary for the Buffalo and Lake Huron Railway Company, their lessees or assigns, to make or give any signal at such crossing. 5 10

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to enable Charles C. Grove and Nicholas Nebelhoer to construct a Railway in the Township of Bertie, County of Welland.

(PRIVATE BILL.)

First Reading, 17 Jan., 1871.

MR. BEATTY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to incorporate the Pembroke and Ottawa Railway Company.

WHEREAS it is expedient to incorporate a company for the construction of a railway, with wooden or iron rails, from the Town of Pembroke to Sand Point in the Township of McNab in the County of Renfrew, with power to extend the same to the City of Ottawa, keeping as near the Ottawa River as practicable, and for other purposes : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. William Moffat, Esquire, John Bell, John Dunlap, lumber merchants, Thomas Deacon, Esquire, Michael O'Meara and William Murray, merchants, all of the Town of Pembroke ; and Alexander Fowler and James Findlay, of the Township of Westmeath, in the County of Renfrew, lumber merchants ; together with such other persons or corporations as shall under the provisions of this Act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Pembroke and Ottawa Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and the amendments thereto, shall be incorporated with this Act, except in so far as they are inconsistent with or varied by this Act, and the expression "this Act," when used herein, shall be held and understood to include the said clauses as incorporated with this Act.

Certain clauses of the Railway Act to apply.

3. The company shall have power to lay out, construct and maintain a railway, with wood or iron rails, of not less than three feet six inches gauge, from any point within the limits of the Town of Pembroke to some point in the Township of Horton, at or near Sand Point, in the said Township, and to extend the same, as hereinafter provided, to the city of Ottawa ; and to lay out, construct and maintain branch railways, tramways and waggon roads, not exceeding ten miles in length, to any mine, peat-bog, quarry, mill, lake or river.

Gauge and location of railway.

4. The company shall have power to acquire lands and water lot property within the Town of Pembroke, not to exceed in all ten acres, and to acquire at such other points or stations on the said line of railway as may be requisite, but not to exceed ten acres at any one point or station, for the erection and maintenance thereon of necessary wharves, piers, warehouses, stations, curves and sidings ; and to enable the company to acquire the same, all the provisions of the Railway Act shall be as fully applicable as if the acquisition of such areas of land were authorized by said Act.

Lands for stations, etc.

Rights of company as to branches of railway roads, etc.

5. Notwithstanding anything in the Railway Act contained, the said Act shall as fully apply to the laying out, construction, and maintenance of any branch of the railway as if such branch formed part of the main line ; and for the laying out, construction and maintenance of necessary waggon roads, the company shall have power to enter upon, and construct and maintain the same, through the lands not being a messuage or curtilage of any person or corporation, subject to the application of the provisions contained in sections sixteen to thirty-one inclusive of chapter forty-nine of the Consolidated Statutes for Upper Canada ; Provided that if the municipality within whose jurisdiction such road may be, shall desire to assume the same, such road shall be delivered up to the municipality on payment of the cost thereof ; and thence from the company shall cease to be responsible for the maintenance or repair of such road ; and if such road shall become unnecessary for the use of the company, and the municipality shall decline to assume the same as aforesaid, the company shall have power to dispose of the land occupied by the road by public auction.

Proviso.

Powers as to vessels.

6. The company shall have power to construct, purchase, charter and navigate scows, boats, sail and steam vessels on any lake, river, or stream near to or touched by the railway, for the purposes of traffic therewith.

Notices, how to be given.

7. The publication of any notice required by the Railway Act or this Act shall, unless otherwise provided by this Act be sufficiently made by one publication of the same in a newspaper within the county and in the *Ontario Gazette*, and the said *Ontario Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notice.

Capital stock.

8. The capital stock of the said company shall be three hundred thousand dollars, with power to increase the same in the manner provided by this Act, to be divided into three thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named and such other persons and corporations as may become shareholders in the company ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway, and other purposes of this Act ; Provided always that, until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county town, village, or township to pay out of the funds of such municipality, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses or any part thereof as the council of such municipality may by resolution direct ; and, in the case of a loan, any sum thus advanced shall be refunded to the municipality from the stock of the said company, or shall be allowed in payment of any stock of the said company, or shall be allowed in payment of any stock which may be subscribed for by such municipality.

Proviso : Advances by municipalities for preliminary expenses.

Provisional directors.

9. The persons named in the first clause hereof are constituted the board of provisional directors of the company, and shall hold office as such until the first election of directors under this

- Act, and shall have power to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice in a newspaper published in the county of Renfrew, and in the *Ontario Gazette* of the time and place
- 5 of their meeting for receiving subscriptions; and the said directors may in their discretion exclude any persons from subscribing who, in their judgment, would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers, as to the said directors
- 10 shall seem meet, and the said directors may in their discretion cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and shall as hereinafter provided, call a general meeting of the shareholders for the election of directors.
- 15 **10.** No subscription for stock in the capital of the company shall be valid unless ten per centum shall have been actually paid thereon, within five days after subscription into any one of the chartered banks of this Province, to be designated by the said directors. Ten per cent. to be paid up in stock.
- 20 **11.** When, and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said company shall be taken and ten dollars per centum shall have been paid thereon into some one of the chartered banks of this Province, and which said amount shall not be withdrawn from such
- 25 bank, or otherwise applied except for the purpose of this railway, or upon the dissolution of the company it shall be lawful for the said provisional directors of the said company for the time being, or a majority of them, to call a meeting of the subscribers of the stock therein, for the purpose of electing directors
- 30 of the company, giving at least one month's notice in a newspaper published in the county of Renfrew and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting the shareholders, either in person or by proxy, and who shall have paid ten per centum upon the
- 35 stock subscribed by them, shall elect five persons to be directors of the said company, in the manner and qualified as hereinafter provided, which said directors shall constitute a board of directors, and shall hold office until the January of the year following their election. Election of directors.
- 40 **12.** On the said in January, and on the in January, in each year thereafter, there shall be holden a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect
- 45 directors for the ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and elections, and of the time and place at which such meeting shall be held, shall be published for at least one month before the day of election in a newspaper published in the County of Renfrew, and in the *Ontario Gazette*;
- 50 and all the elections for directors shall be by ballot; and the persons so selected shall form the board of directors. Annual meetings.
- 13.** No person shall be elected a director unless he shall be the holder and owner of at least thirty shares of the stock of the company, and upon which all the calls have been paid up. Qualification of directors.
- 55 **14.** Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Rights of aliens who are stockholders.

company ; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Scale of votes. **15.** In the election of directors under this Act, and in the transaction of all business at general shareholders' meetings, 5 each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares ; but no shareholder shall be entitled to vote in person or by proxy at any such meeting, or at any special meeting of the shareholders of the company, in respect of any share on which 10 at least ten per centum shall not have been paid, and also all calls due at the time of such election or meeting.

Quorum of directors and their remuneration. **16.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, three directors shall form a quorum for the transaction of business ; 15 and the said board of directors may employ one or more of their number as paid director or directors.

Directors may procure subscriptions for shares. **17.** The said directors are hereby authorized and empowered to take all necessary steps for procuring subscriptions for shares in the stock books of the company from parties desirous 20 of becoming shareholders in the said company, until the whole of the capital stock authorized by this Act shall have been taken up, and to make, execute and deliver all such scrip and share certificates as to the said directors shall seem expedient.

Calls on shares. **18.** The directors may at any time call upon the share- 25 holders for instalments upon each share which they or any of them may hold in the capital stock of the company, in such proportion as they may see fit ; Provided that no such call or instalment shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the 30 said company, and that the amount of any such call in any one month shall not exceed ten dollars per centum upon the stock so subscribed, so that there be one month between each call until the whole capital be subscribed ; Provided also, that upon the occasion of any person or corporation becoming a subscriber 35 for stock in the said company, it shall be lawful for the directors of the said company for the time being to demand and receive to and for the use of the said company the sum of ten dollars per centum upon the amount by such person or corporation respectively subscribed, and also the amount of such calls as 40 shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock ; and all persons subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, but shall be liable 45 only to the extent of their unpaid stock therein.

Proviso.

Proviso.

Transfer of shares. **19.** The shares of the capital stock of the said company shall be transferable, and may from time to time be transferred by the respective holders and owners thereof ; Provided always that the original subscribers or any future transferor and the 50 transferee shall be always held personally liable to the said company, and to the creditors thereof, for all or any part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon whether due before or after any such transfer, and in any action brought for the 55

recovery of any call or calls upon such stock, the said company may sue the original subscriber or the person or persons to whom the same may have been transferred as the said directors may elect, and failing to secure payment may enter an action against and may recover from the original subscriber any unpaid calls on such stock, together with the costs of any previous actions in which the company may have recovered judgments against any other of the parties liable for such calls.

20. Municipal corporations may grant to the said railway company any such sums of money or debentures, as may by the said municipal corporations be thought advisable in the way of bonus or donation to aid in the construction or equipment of the said railway, or of any of the works authorized under this Act, and it shall be lawful for the company to accept such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the special purpose, if any, for which the same was so granted; Provided always, that the by-law authorizing the grant of such bonus or donation, shall be approved of in the manner provided by sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty eight, of an Act respecting the Municipal Institutions of Upper Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria, and chaptered fifty-one.

Municipalities may aid the company.

Proviso.

21. In case a majority of the persons rated on the last assessment roll as freeholders, in any portion of a municipality, do petition the council of such municipality, the said petition to define the metes and bounds of the section of the municipality, within which the property of the petitioners is situated, and expressing the desire of the said petitioners, to aid in the construction of the said railway, by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight, of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid;

If a portion of a municipality desire to aid, the council to pass by-law,

Proviso.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation, at the time and on the terms specified in the said petition;

for issuing debentures,

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate, sufficient to include a sinking fund for the repayment of debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively.

for assessing and levying rate.

22. When, and so soon as seventy-five per centum of the capital stock shall have been fully paid, and at least

Extension railway.

miles of the railway shall been constructed, if it shall at any general meeting of the company, called for the purpose, be resolved by a vote representing two-thirds of the capital stock, paid up to extend the said railway to the City of Ottawa, and for such purpose to increase the capital stock of the said company to any sum not exceeding hundred thousand dollars, either by the addition of new subscriptions or otherwise, it shall and may be lawful for the said company to enter upon such extension and increase such capital, and the new shares thereof shall be part of the capital of the corporation, and the subscribers to such shares shall be members of the said corporation; Provided always, that such increase of capital and the extension of the said railway shall not take effect until the by-law authorizing the same shall have received the approval of the Lieutenant-Governor in Council. 15

Proceedings after by-law has received the approval of Lieutenant-Governor.

Proviso.

23. Upon the approval of the said by-law by the Lieutenant Governor in Council, the order in Council confirming the same shall be published in the *Ontario Gazette*, and upon such publication, and the deposit with the Minister of Public Works, and in the offices of the Clerks of the Peace for the counties of Renfrew and Carleton respectively, of the map or plan of such extension, and the book of reference relating thereto, such extension shall be deemed to be fully authorized and to be part of the undertaking authorized by this act; and to the same and to every part thereof, every provision of this act shall be fully applicable: Provided that until such extension be authorized and approved as aforesaid, the map or plan and book of reference shall comprise only that portion of the railway between the town of Pembroke and the primary terminus at Sand Point, in the township of McNab. 20 25 30

Company may make promissory notes, etc.

Proviso.

24. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory notes or any such bills of exchange drawn, or accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, shall be binding on the company, and the president, vice-president, or the secretary, or treasurer shall not be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as aforesaid: Provided that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange, payable to bearer, intended to be circulated as money, or as the notes or bills of a bank. 35 40

Issue of debentures, etc.

Proviso.

25. It shall be lawful for the directors, for the time being, to make, execute, and deliver all such bonds, debentures, mortgages, or other securities, as to the directors for the time being, shall from time to time seem expedient for raising the necessary capital for the time being, authorized to be raised by the said company, or for raising any part thereof: Provided always, that the portion of the capital to be raised by bonds, debenture, or mortgages, shall not exceed, at any time, the amount of the then actual paid up capital stock of the said company and expended on the said road. 45 50

Execution of bonds, etc.

26. All bonds, debentures, and other securities shall be executed by the president of the company for the time being and countersign- 55

27. Conveyances of lands to the company may be made in the form set out in Schedule A hereunder written, and shall be registered in the manner and upon the proof required under the "Registration of Titles (Ontario) Act," and no registrar shall be entitled to more than fifty cents for such registration, together with all entries and certificates in respect of every such conveyance and the duplicate thereof.

28. The said railway shall be completed from the Town of Completion o
Pembroke to the primary terminus at Sand Point, in the Town- railway.
ship of McNab, within years from the passing of this
20 Act, and the extension thereof to the City of Ottawa within
 years from the passing of this Act; and in the event of
the non-completion of the said railway within the time limit-
ed, the charter, powers and privileges of the company shall be
forfeited.

KNOW ALL MEN BY THESE PRESENTS THAT

in consideration of the sum of _____ paid to me by the Pembroke and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do hereby grant, sell and confirm unto the Pembroke and Ottawa Railway Company, their successors and assigns, all that certain parcel of land, being composed of _____

to have and to hold the said land and premises, together with everything appertaining thereto, to the said Pembroke and Ottawa Railway Company, their successors and assigns, forever [if dower]; And I, _____, hereby release my dower in the said lands.

Witness hand and seal, this day of
 , one thousand eight hundred and .

Signed, sealed and delivered }
in presence of } [L.S.]

BILL.

An Act to incorporate the Pembroke and
Ottawa Railway Company.

(*PRIVATE BILL.*)

First Reading, 18th Jan., 1871.

MT. MURRAY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to amend the Statutes of Limitations by shortening the periods within which claims to Real Estate may be enforced.

WHEREAS with a view to decrease litigation and the costs of investigation of titles, and to quiet titles for the benefit of such persons as have possessed lands or enjoyed rights therein, without disturbance by those entitled, it is expedient to shorten the periods within which such persons may be disturbed: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word "twenty" is to be deemed erased and the word "fifteen" substituted therefor wherever such word "twenty" occurs in the first, twenty-first, twenty-fourth, twenty-fifth, thirtieth, thirty-seventh, forty-fifth and forty-seventh sections of chapter eighty-eight of the Consolidated Statutes for Upper Canada; and the said sections shall be read and construed accordingly.

Con. Stat. U. C. cap. 88, ss. 1, 21, 24, 25, 30, 37, 45, 47, amended.

2. The word "thirty" is to be deemed erased and the word "twenty" substituted therefor, and the word "sixty" is to be deemed erased, and the word "forty" substituted therefor, wherever such words "thirty" and "sixty" respectively occur in the thirty-sixth section of the said chapter; and such section shall be read and construed accordingly.

Sec. 36, amended.

3. The word "forty" is to be deemed erased and the word "thirty" substituted therefor in the thirty-seventh and forty-third sections of the said chapter; and such sections shall be read and construed accordingly.

Ss. 37 & 43, amended.

4. The word "ten" shall be deemed erased and the word "seven" substituted therefor, wherever such word "ten" occurs in the forty-fifth, forty-sixth, and forty-seventh sections of said chapter; and such sections shall be read and construed accordingly.

Ss. 45, 46, & 47 amended.

5. The word "twenty" and the word "forty" shall be deemed erased in the first section of the Act of the Province of Canada passed in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered thirty-nine, and also in the third section of said chapter of the Consolidated Statutes, and the word "fifteen" be substituted for such word "twenty," and the word "thirty" substituted for such word "forty" wherever such words "twenty" and "forty" occur in the said sections; and such sections shall be read and construed accordingly.

27 & 28 Vic., cap. 39, s. 1, amended.
Con. Stat. U. C. cap. 88, s. 3, amended.

Sec. 42,
amended.

6. The words "feme covert" are to be deemed erased from the forty-second section, and the words "under coverture" from the forty-fifth section of the said chapter of said Consolidated Statutes; and such sections shall be read and construed accordingly.

5

When this
Act to be in
force.

7. This Act shall not apply to any suits or proceedings at law or in equity commenced, had or taken before 1st January, 1874.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Statutes of Limitations by shortening the periods within which claims to Real Estate may be enforced.

First Reading, 18th Jan., 1871.

Mr. COYNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act to incorporate the Merrickville and Westport
Railway Company.

WHEREAS it is deemed a necessity that a railway should be constructed from some point in the incorporated village of Merrickville to the village of Westport, in the township of North Crosby: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. Hiram Easton, Samuel Jakes, George A. Montgomery, William H. Magee, Edward Erratt, Amos Robinson, John K. Weir, Henry Easton, David Mosher, Jesse Miner, Hiram McCrea, Alfred Lander, David R. Read, S. S. Cornell, S. S. Scovill, C. Chapman, William H. Fredenburgh, John Chaffey, John Draffin, A. W. Bell, John Kilborn, together with such other persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated are hereby constituted and declared to be a body corporate and politic, by and under the name and style of "The Merrickville and Westport Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "President and Directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

The word "this Act."

3. The said company shall have full power and authority to lay out, construct and complete, an iron Railway, from the village of Merrickville to the village of Westport, in the township of North Crosby, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid, and have full power to diverge from the straight line on either side, to the extent of ten miles, in order

Location of railway.

to touch any of the villages along or adjoining said route, and to cross the Brockville and Ottawa Railway, at or near Irish Creek Station.

- Provisional directors.** 4. The said Hiram Easton, Samuel Jakes, George A. Montgomery, William H. Magee, Edward Erratt, Amos Robinson, John K. Weir, Henry Easton, David Mosher, Jesse Miner, Hiram McCrea, Alfred Lander, David R. Read, S. S. Cornell, S. S. Scovill, C. Chapman, William H. Fredenburgh, John Chaffey, John Draffen, A. W. Bell, John Kilborn, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority, immediately after the passing of this Act, to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors, and with all such other powers as, under the Railway Act, are vested in ordinary directors. 5
- Their powers.** 10
- Capital stock.** 5. The capital stock of the company hereby incorporated shall be four hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into shares of fifty dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to purchasing the right of way, to the equipment and completion of the said railway, and the other purposes of the Act, and to no other purpose whatever. 20
- Application of the money raised on the stock.** 25
- Municipalities may aid the company.** 6. And it shall further be lawful for any municipality or municipalities, through any part of which or near which, the railway or works of said company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always, that such aid, loan, bonus, or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions, for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar, on the actual value of such ratable property: Provided that the annual rate of assessment shall not, in any case exceed, for all purposes, three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt. 30
- Proviso.** 35
- Proviso.** 40
- If a portion of the municipality desire to aid, council to pass a by-law.** 7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality, do petition the council of such municipality, defining the meets 45
- 50
- 55

and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law;

(1.) For raising the amount so petitioned for by the free-holders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation, at the time and on the terms specified in the said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures, with the interest thereon; which municipal councils are hereby authorized to execute and issue in such cases respectively; Provided the said by-law shall be approved of, as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act, of one thousand eight hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

8. Whenever any municipality or portion of a municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole or part of such bonus upon works of construction within the limits of the municipality granting the same.

9. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor may, at the option of the said municipality, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the municipality granting the same, one by the said company, and one by the warden of the united counties of Leeds and Grenville, all the trustees to be residents of the Province of Ontario; and in the event of the said warden neglecting to appoint the said trustee within one month after a notice, in writing, of the other two being appointed, then the said company and said municipality shall appoint the said other trustee.

10. Any trustee appointed may be removed, and in such case, or in case of death or resignation, a new trustee may be appointed in his place at any time, by the consent of the said municipality, the said warden and the said company.

11. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks, having an office in the town of Brockville, in the name of "the Merrickville and Westport Railway Company Municipal Trust Account," and to pay the same

out to the said company, from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule A. hereto, or to the like effect.

Act of two trustees to be binding.

12. The act of any two of such trustees to be as valid and binding as if the three had agreed. 5

General meeting for election of directors.

13. So soon as one-fifth part of the capital stock shall have been subscribed as aforesaid, and twenty per centum paid thereon and deposited in one of the chartered banks at Brockville, for the purposes of the said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of the said company. 10

Provisional directors neglecting to call the general meeting.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of capital stock shall have been subscribed, and twenty per centum thereof so paid up, the same may be called by any five of said stockholders who shall have paid up twenty per centum, and who are subscribers among them for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon. 20

Notice of general meeting.

15. In either case notice of the time and place of holding such general meeting shall be given by publication in two papers published within the United Counties of Leeds and Grenville, once in each week for the space of at least one month.

Election of directors.

16. At such general meeting the subscribers for the Capital Stock assembled, who shall have so paid up twenty per centum thereof with such proxies as may be present, shall choose nine persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act. 25 30

By-laws, etc.

Qualification of directors.

17. No person shall be qualified to be elected as such director by the shareholders unless he represents at least ten shares in the Company, and unless all calls thereon have been paid.

Annual meetings.

18. Thereafter the general annual meeting of the Shareholders of the said Company shall be held wherever the by-laws of said Company may direct, after at least fourteen days notice has been given in two papers published within the Counties. 35

Special meetings.

19. Special general meetings of the Shareholders of the said Company may be held as the said by-laws may direct. 40

Issue of bonds.

20. The directors of the said Company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, countersigned by the Secretary and Treasurer and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company real and 50

personal and then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided however, that the aggregate amount of such bonds shall at no time exceed the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to Shareholders, provided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares.

Proviso.

Proviso.

21. All such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Securities may be payable to bearer.

22. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may make promissory notes, etc.

Proviso.

23. Every shareholder of one more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

Scale of votes.

24. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of directors.

25. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such persons shall at such meetings, be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever.

Representatives of stock held by corporations.

Only shareholders who

- have paid up
to vote. unless all calls due on the stock held by such shareholders shall have been paid up, at least, one week before the day appointed for such meeting.
- Calls upon
shares. **26.** The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit. 10
- Conveyances
to company, **27.** Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the Schedule (B) hereunder written, or to the like effect, and such conveyance shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof. 15
- how regis-
tered, **28.** The gauge of the said railway shall be five feet six inches. 20
- Gauge of
railway, **29.** It shall be lawful for the said company to enter into any agreement with any other railway company for selling, leasing or hiring this road, or any part thereof, or for buying, leasing or hiring from such other company any railway, or part thereof, or any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other company for the amalgamation or use of one or the other, or by both companies of the railway, or moveable property of either, or of both or any part thereof, or for any service to be rendered by the one company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and in case of sale or lease, any company buying or leasing the same shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred; Provided always, that before any such agreement for the sale, lease, hiring or amalgamation as aforesaid shall be binding, it shall be ratified by a vote of, at least, two-thirds of all the stockholders legally entitled to vote. 40
- Agreements
with other
railways, **30.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient, and may also make use of, for the purposes of the said railway, the water of any stream or watercourse over or near which the said railway passes, doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse. 45
- Proviso, **31.** The said railway shall be commenced within three years, and completed within seven years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited.
- Company may
use land for
gravel pits; **32.** The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit. 10
- and streams, **33.** The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit. 10
- Commence-
ment and
completion of
railway. **34.** The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit. 10

SCHEDULE A.

Chief Engineer's Certificate.

The Merrickville and Westport Railway Company's Office,
Engineer's Department, A. D. 18 .

No.....

Certificates to be attached to cheques drawn on the Merrickville and Westport Municipal Trust Account, and given under section , of cap. , 34 Vic.

I, Chief Engineer for the Merrickville and Westport Railway, do hereby certify that there has been expended in construction of mile No. , the said mileage being numbered consecutively from . , the sum of dollars to date, and that the total amount due for the same, from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable, as provided under said Act.

SCHEDULE B.

Know all men by these presents that I (or we) (insert also the name of wife or any other person who may be a party) in consideration of dollars, paid to me (or as the case may be) by the Merrickville and Westport Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, the said do grant and release, or do bar my dower in (as the case may be) all that certain parcel (or) those certain parcels (as the case may be) of land situate (describe the land), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Merrickville and Westport Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed and delivered in the presence }
of }

[L. S.]

BILL.

An Act to incorporate the Merrickville and
Westport Railway Company.

First reading, 18th January, 1871.

Mr. SMITH, (*Leeds and Grenville*).

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to amend 33 Vic., Chapter 71, intituled An Act to exempt from Municipal taxation, for a certain period, a Sugar Refinery proposed to be erected in the city of Toronto.

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-third year of the reign of Her Majesty, chaptered seventy-one, it was enacted that a certain sugar refinery to be erected by one John A. Aldwell, in the City of Toronto, and all real and personal property connected therewith and capital therein employed, should be, as therein provided, exempt from all municipal and local taxation for a period of twenty-one years as settled and agreed upon between the Corporation of the City of Toronto and the said John A. Aldwell, and as therein expressed; Provided, amongst other conditions, that said sugar refinery should be erected and in operation within three years; And whereas the said the Corporation of the City of Toronto did, by indenture of lease duly executed, demise to the said John A. Aldwell certain premises in said City of Toronto, upon which said John A. Aldwell proceeded to erect said sugar refinery; And whereas it was afterwards discovered that said Corporation of Toronto had no legal title to said land so demised, and the said John A. Aldwell was thereby stopped and delayed in the erection of said refinery; And whereas the said Corporation has consented and agreed to sell to said John A. Aldwell certain other premises in lieu of said premises first above referred to, and to extend for one year the time for the erection of said refinery, and to exempt from taxation any premises by him leased and used for such purpose; And whereas the said John A. Aldwell, in pursuance of said consent and agreement by said Corporation of the City of Toronto, has prayed that an Act may be passed to extend the time for the erection and completion of said sugar refinery and for other, the purposes therein and above referred to: Therefore Her Majesty, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said John A. Aldwell may lease, sub-let or purchase the said or any other lands or property belonging to said Corporation of the City of Toronto, to be used for the purposes intended by said Act above referred to, and that the same so leased, assigned, purchased or otherwise held, may be so held and used by him, the said John A. Aldwell, for the purposes therein mentioned and intended, with all the exemptions and privileges therein expressed; Provided always that the term in said Act mentioned shall be for twenty-one years, and the time for the erection and completion of said sugar refinery shall be three years from the passing of this Act; and that the expenditure of the sum of one hundred and twenty-five

Preamble.

Delay occasioned by Corporation of City of Toronto.

J. A. A. may lease premises.

To expend \$125,000 in three years.

thousand dollars, in the first section of said Act mentioned, shall be made within the said term of three years above mentioned; but that nothing herein contained shall, save as above and therein expressed, be construed to exempt from municipal or other taxation the said sugar refinery, or to restrict the privileges thereby granted. 5

No exemption
save as by
former Act.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to amend 33 Vic., chap. 71, intituled
An Act to exempt from Municipal taxation, for a certain period, a Sugar-Refinery proposed to be erected in the city of Toronto.

(PRIVATE BILL.)

First Reading 18th January, 1871.

MR. WALSH.

TORONTO:

An Act to authorize the Trustees of the Presbyterian Church in the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, to sell the west half of lot number twenty-four in the seventh concession of the said Township.

WHEREAS John MacMurchy, John MacQueen and John MacKee, Trustees of the Presbyterian Church, of the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, and the Reverend Alexander McDonald the officiating minister of the said Church, have by their petition to the Legislature prayed that the said Trustees may be empowered to sell and convey the west half of lot number twenty-four in the seventh concession of the said Township of Nottawasaga, and to apply the proceeds of such sale to the purchasing of another lot or parcel of land and premises or to purposes connected with the interests of the congregation adhering to the said Church; And whereas it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. That the said John MacMurchy, John MacQueen and John MacKee, Trustees of the Presbyterian Church in the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, and the survivor or survivors of them or their successors in office shall have full power and authority to sell and convey the west half of lot number twenty-four in the seventh concession of the said Township of Nottawasaga, in one or several parcels from time to time, at private sale or by public auction, for cash or on credit, or partly for cash and partly on credit, secured in such manner as to them the said Trustees or the survivor or survivors of them shall seem fit, with power to buy in at any auction or auctions, and resell and rescind, or vary any sale or contract for sale, that may have been entered into, and resell without being responsible for any loss or deficiency thereon, and on any sale or sales to make, execute and deliver a conveyance or conveyances, and demand, sue for, and receive the consideration money, and release and discharge all mortgages or other security that may be given for the purchase money or any part thereof.
2. The said Trustees or their successor or successors shall apply the proceeds of such sale or sales in the purchase of other lands or in such other manner as they may deem best for the interests of the congregation adhering to the said Church; Provided always that the purchaser or purchasers shall not be

Power to trustees to sell certain lands.

Application of the proceeds of sale.

liable to see to the application of the moneys arising from the sale of the said half lot or of any part thereof.

Rights of
other parties
not affected.

3. Nothing in this Act contained shall affect any rights of any other party or parties in respect of the said property.

BILL.

An Act to authorize the Trustees of the Presbyterian Church in the Township of Nottawasaga in the County of Simcoe, in connection with the Church of Scotland, to sell the west half of lot number twenty-four in the seventh concession of the said Township.

(PRIVATE BILL.)

First reading 18th January, 1871.

Mr. LOUNT.

TORONTO:

PRINTED BY HENRY ROSE & CO

An Act to amend the Act Incorporating the Napanee
River Improvement Company.

WHEREAS a certain Act was passed by the Legislature of the Province of Canada, in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered eighty-four, incorporating the owners or occupants of
5 mills along the course of the Napanee River and its tributaries as a company under the name of the Napanee River Improvement Company, for the purpose of erecting reservoirs and of improving and increasing the supply of water in the Napanee River for manufacturing purposes; And whereas the said company
10 have petitioned that their Act of incorporation may be amended by giving them power to assess and collect from the owners of mills or manufactories using the waters along the course of the Napanee River or its tributaries the sum of two cents in the dollar on the gross value of such mills or manufactories, and
15 also to borrow money by debenture for the purposes of said company: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section eleven of said Act be repealed, and the following be substituted therefor, viz: "Provided always that the amount so assessed annually shall not exceed two cents in the dollar on the gross assessed value of the same as provided for in section ten."
29 & 30 Vic.,
c. 84, s. 11.

2. That the following words be added to section fourteen of said Act, viz: "And that for the purposes aforesaid, the said corporation shall have power to borrow money by debenture under the seal of the said corporation, signed by the chairman and countersigned by the secretary thereof, and making said money due in sums not exceeding one thousand dollars annually; Provided always that the said sum or sums of money shall not be so borrowed unless by the approval of a two-third vote of said mill owners or manufacturers entitled to vote at the annual meeting of said company held, as provided in section six, on the second Monday in January in each and every
35 year.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to amend the Act Incorporating the
Napanee River Improvement Company.

(*PRIVATE BILL*)

First Reading 18th January, 1871.

Mr. HOOPER.

TORONTO :

An Act respecting Affidavits, Declarations, and Affirmations made out of the Province of Ontario for use therein.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act of the former Province of Canada, passed in the 26 V., ch. 41, repealed except as to commissions issued and proceedings thereunder.
- 15 twenty-sixth year of the reign of Her Majesty, chaptered forty-one, is hereby repealed so far as the same applies to this Province, except as to commissions heretofore issued thereunder, and all proceedings had or to be had by virtue of such commissions, and as to the provisions of the said Act in relation thereto, and the application of the seventh section of the said Act to any affidavit, declaration or affirmation now or hereafter to be sworn, made or taken under the authority of such commissions.
2. The Lieutenant-Governor in Council may, by one or more
- 15 commission or commissions, under his hand and seal, from time to time, empower such and as many persons as he may think fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations without the Dominion of Canada, in, or concerning any cause, matter or thing depending or in anywise concerning any of the proceedings to be had in the Courts of Queen's Bench and Common Pleas, the *Superior Court* and the Court of Chancery, or any other court of law or equity of record in this province, whether now existing or hereafter to be constituted, and every oath, affidavit, declaration, or affirmation taken or made as aforesaid shall be as valid and effectual, and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits therein or
- 30 other competent authority of the like nature.
3. The commissioners so to be appointed shall be styled
- “Commissioners for taking affidavits in and for the Courts in Ontario.”
- Style of commissioners.
4. Oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made out of the Dominion of Canada before any commissioner authorized by the Lord Chancellor to administer oaths in Chancery in England, or before any notary public certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony of Her Majesty without Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate,
- 35 Affidavits to be used in Canada may be made before certain functionaries in the United Kingdom or foreign parts.

or before a judge of any court of supreme jurisdiction in any colony without Canada belonging to the Crown of Great Britain, or any dependency thereof or Consular Agent of Her Majesty exercising his functions in any foreign place for the purposes of and in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings to be had in the said courts, shall be as valid and effectual and shall be of like force and effect to all intents and purposes as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in this Province before a commissioner for taking affidavits therein or other competent authority of the like nature.

Seal and signature to such affidavits need not be proved.

Seal and signature to such affidavits need not be proved.

5. Any document purporting to have affixed, impressed, or subscribed thereon or thereto the signature of any such commissioner, or the signature and official seal of any such notary-public, or the seal of the corporation, and the signature of any such mayor or chief magistrate as aforesaid, or the seal and signature of any such judge, consul, vice-consul, acting-consul, pro-consul, or consular agent in testimony of any such oath, affidavit, affirmation, or declaration having been administered, sworn, affirmed or made by or before him shall be admitted in evidence without proof of any such signature, or seal and signature, being the signature or the seal and signature of the person whose signature or seal and signature, the same purport to be, or of the official character of such person.

Such affidavits, etc., may be used for registration.

Such affidavits, etc., may be used for registration.

6. Any affidavit, declaration, or affirmation proving the execution of any deed, power of attorney, will or probate, or memorial thereof, or other instrument for the purpose of registration in this province, may be made before a commissioner appointed under this act, or other person authorized hereby to administer or take oaths, affidavits, declarations, and affirmations.

Informal headings, etc., not to invalidate.

7. No informality in the heading, or other formal requisites to any affidavit, declaration, or affirmation, made or taken before any commissioner, or other person under this act, shall be any objection to its reception in evidence, if the court or judge before whom it is tendered think proper to receive it.

An Act to Incorporate the Trustees of the Toronto General Burying Ground, to confirm certain purchases made by them, to authorize them to acquire additional lands for the purposes of the said trust, and to amend the Acts relating to the said trust.

WHEREAS the Honourable William McMaster, James Preamble.
Lesslie, Andrew T. McCord, John Paterson, Thomas Dick, and Robert Walker, the trustees of the Toronto General Burying Ground, have by their petition, among other things set forth,
5 that in pursuance of the authority vested in them by the Act of the Province of Canada, passed in the eighteenth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and forty-six, they had contracted to purchase from the Toronto Necropolis, for the sum of three thousand seven hundred and
10 fifty pounds, the lands and premises following; Firstly, all and singular that certain parcel or tract of land and premises situate, lying, and being in the city of Toronto, in the county of York, and being composed of part of a range of building lots north of the park reserve in the city of Toronto aforesaid, laid
15 out for the Reverend Henry Scadding and Colley Forster by Charles Rankin, deputy provincial surveyor, and butted and bounded, or may be otherwise known as follows, that is to say, commencing where a post has been planted at a point where the southern limit of certain lands conveyed by one John
20 Scadding to one Thomas Ward, on or about the eighteenth day of April, one thousand eight hundred and thirty-nine, is intersected by the easterly side of Sumack Street, produced on a course north sixteen degrees west, then north seventy-four degrees east along the said southern limit, one chain eighty links
25 to a post, then south seventy-three degrees forty-five minutes east along the limit of a certain piece of land conveyed by the said Reverend Henry Scadding and Colley Forster to the said Thomas Ward, on or about the twenty-fourth day of November, one thousand eight hundred and forty two, three chains
30 forty-seven links and a half, more or less to a post, then north seventy-four degrees east along said last mentioned limit, three chains sixty-three links to a post, then south sixteen degrees east five chains twenty-five links, more or less, to a post planted on the north side of the new road, then south seventy-
35 four degrees west along the new road, eighty chains forty-two links and a half to where a post has been planted on the easterly side of Sumack Street, produced as aforesaid, then north sixteen degrees west seven chains, more or less, to the place of beginning, containing by admeasurement five acres be the same more or less; secondly, All and singular that certain
40 parcel or tract of land situate, lying, and being in the liberties of the said city of Toronto, in the said county of York, and known and described as part of park lots numbers one and two

in the First Concession from the Bay, formerly in the township of York, and butted and bounded as follows, that is to say, commencing where a post has been planted at the north side of a private road or way, marked and described on a certain map or plan drawn by Charles Rankin, deputy provincial surveyor, dated the nineteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, which post is at the distance of eight chains and forty-two and one half links from the easterly side line of Sumack Street, produced on a course north sixteen degrees west, and is at the south-east angle of a parcel of land containing five acres, heretofore conveyed by the Reverend Henry Scadding, then of the said city of Toronto, clerk, and Colley Forster, then of the city of Toronto, Esquire, to John Taylor, Thomas Taylor, and George Taylor, by indenture bearing date on or about the twenty-ninth day of December, in the year of our Lord one thousand eight hundred and forty-three, then north seventy-four degrees east along said private road or way twenty-eight links and a half, then north sixty-four degrees and forty-five minutes east four chains and forty-six links, then north fifty-six degrees fifteen minutes east along said road two chains sixty-eight links, then north forty-five degrees east three chains five links, then north six degrees thirty minutes east along said road two chains fifteen links, more or less to the south-east angle of a piece of land formerly conveyed by the Reverend Henry Scadding and Colley Forster above named to one Thomas Ward, by indenture dated on or about the twenty-fourth day of November, one thousand eight hundred and forty-two, then south seventy-four degrees west along the southern boundary of the last named piece of land ten chains sixty-two links, more or less, to where a post has been planted at the north-east angle of the land sold to the Taylors aforesaid, which angle is at the distance of eight chains forty-two and one half links from the easterly side of Sumack Street, produced as aforesaid, then south sixteen degrees east along the east boundary of last mentioned parcel, five chains and twenty-five links to the place of beginning, containing by admeasurement four acres and fourteen hundredth parts of an acre, be the same more or less; thirdly, All and singular that certain parcel or tract of land and premises, situate, lying, and being in the liberties of the said city of Toronto, in the said county of York, and being composed of part of the park and other lots formerly owned by the late Mr. Scadding, and his estate on the west side of an adjoining the river Don, and in rear of the park reserve in the First Concession from the Bay, formerly in the township of York, but now in the liberties of the said city of Toronto, and which said parcel or tract of land is butted and bounded, or may otherwise be known and described as follows, that is to say, commencing at a stake placed at the north-east angle of ground now laid out for the Toronto Necropolis, nineteen chains and four links on a course north, seventy-four degrees east from the east side of Sumack Street, on the north side of the plank road, thence north fifty-four degrees thirty minutes west three chains sixty-four links, then north forty-seven degrees thirty minutes west two chains and thirty-four links, then north sixty-three degrees thirty minutes west two chains and fourteen links, then south sixty-two degrees thirty minutes west five chains and thirteen links, more or less, to a stake placed at the north-east angle of land now in the possession of Mr. Lamb, thence along the eastern boundary of the said land south, sixteen degrees 50 55 60

east five chains and twenty-four links, more or less, to the northern boundary line of the Toronto Necropolis, thence along the said boundary line north, seventy-four degrees east, ten chains and ten links to the place of beginning, containing by

5 admeasurement four acres two roods and twenty-six perches and a half, be the same more or less; That they duly paid the purchase money therefor, and that by deed dated the seventeenth day of July, one thousand eight hundred and fifty-five, and made between John McMurrich, of the city of Toronto

10 and Province of Canada, merchant; John Shaw, of the same place, merchant; Alexander McGlashan, also of the same place, merchant, of the first part, Janet McMurrich, Elizabeth McGlashan, and Margaret Shaw, wives of the said parties of the first part, respectively of the second part, and the Toronto

15 Necropolis of the third part; William McMaster, of the said city of Toronto, merchant; David Paterson, of the same place, merchant; James Lesslie, of the same place, merchant; Peter Freeland, of the same place, manufacturer; Thomas Helliwell, of the same place, Esquire; John Ewart, of the same place,

20 Esquire; and Thomas David Morrison, of the same place, gentleman, of the fourth part, after reciting that the said parties of the first part were seized in fee simple as tenants in common of, and in the parcels of land therein described, which said parcels of land had been theretofore used by the said

25 parties thereto of the first part, then being the sole proprietors of the Toronto Necropolis, for the purposes and objects for which the same was incorporated, the said lands above mentioned were granted and conveyed to the said parties thereto of the fourth part as trustees of the Toronto General Burying

30 Ground, subject, nevertheless, to any appropriation and disposition that had been made previously to the date of said deed of any lots or parcels thereof by the said parties of the first part to said deed for burial purposes; And whereas the said petition further set forth that the Trustees of the Toronto General Bury-

35 ing Ground, in further pursuance of the authority so vested in them, purchased from the Corporation of the city of Toronto, at and for the price or sum of five thousand three hundred and fourteen dollars, which said sum had been fully paid the following lands lying adjacent to the lands above described, being

40 firstly, All that certain piece or parcel of land, being part of lots numbers fifteen and sixteen in the First Concession from the Bay, in the township of York, in the county of York, and which is butted and bounded as follows, commencing where a stake has been planted at the intersection of the east side of

45 Sumack Street and the north side of Elm Street, thence north sixteen degrees west, seven chains to the intersection of the east side of Sumack Street, with the south side of the Don Mills Road, now called Winchester Street, then easterly and northerly along the south side of the said road, about twenty-

50 five chains twenty-five links, more or less, to the west bank of the river Don, thence south fifty-three degrees thirty minutes east with the stream along the bank of the said river, two chains twenty-four links to a stake, thence south three degrees thirty minutes west three chains twenty-two links, thence

55 south forty-two degrees fifteen minutes west ten chains fifty-three links, thence south twenty-five degrees west three chains sixty links, thence south ten degrees fifteen minutes west one chain forty-one links, more or less, to the north side of Elm Street, then south twenty-four degrees west eight chains sixty-

60 three links, more or less, to the place of beginning, and which said

piece or parcel of land contains by admeasurement eleven acres
 and twenty-one hundredths of an acre, more or less, statute mea-
 sure being high land; and secondly, All that other certain piece
 or parcel of land, being part of the above mentioned lots, numbers
 fifteen and sixteen in the First Concession from the Bay, in the 5
 township of York aforesaid, and which is butted and bounded
 as follows, commencing at a stake placed on the north side of
 Elm Street, on a course north, seventy-four degrees east, at a
 distance of eight chains sixty-three links from the intersection
 of the east side of Sumack Street and north side of Elm Street, 10
 thence north seventy-four degrees east four chains fifteen links
 to the west bank of the river Don, thence against the stream,
 following the windings of the river about twelve chains to a
 stake placed on the bank on the west side of a proposed cut or
 canal one hundred feet wide, thence north twenty-three de- 15
 grees fifty minutes west six chains sixty-six links, to the west
 bank of the river Don where a stake has been planted, thence
 against the stream north fifty-three degrees thirty minutes
 west one chain twenty-three links, to a stake heretofore de-
 scribed, then south three degrees thirty minutes west three 20
 chains twenty-two links, thence south forty-two degrees fifteen
 minutes west ten chains fifty-three links, thence south twenty-
 five degrees west three chains and sixty links, thence south
 ten degrees fifteen minutes west one chain forty-one links, more
 or less, to the place of beginning, containing by admeasurement 25
 six acres and fifteen hundredths of an acre, more or less, statute
 measure, being low land or flats, according to a map or plan of
 the same thereunto annexed, and by deed dated the first day
 of February, one thousand eight hundred and sixty-four, and
 made between the said The Corporation of the City of Toronto 30
 of the first part, and William McMaster, James Lesslie, Andrew
 T. McCord, Thomas Dick, Richard Yates, John Paterson, and
 William Freeland, all of the city of Toronto, esquires, trustees of
 The Toronto General Burying Ground of the second part, the
 said piece of land was granted and conveyed by the said the Cor- 35
 poration of the City of Toronto to the said parties of the second
 part as such trustees, subject nevertheless as to one acre of the
 high land thereby conveyed to be selected by the said trustees,
 that the same should be held upon trust, that the said trustees
 should hold, use and employ the same for ever for the purpose of 40
 the burial of the destitute poor without charge, the graves
 therein to be dug and filled at the expense of the parties of the
 second part their successors or assigns, the interments in such
 acre to be made only on the written order of the Mayor of the
 city of Toronto for the time being; That the trustees aforesaid 45
 entered into possession of the said lands and premises at or
 about the dates of the said deeds, and had used and occupied
 the same solely for the purposes and object of the said trust,
 and had expended large sums of money in ornamental garden-
 ing, in levelling, fencing and draining, beautifying and improv- 50
 ing said lands, and the said trustees, in the name of and as the
 act and deed of the Toronto Necropolis, had sold and conveyed
 lots in said parcel of land first above described for the purposes
 of burial, and numerous bodies had been interred therein; That
 doubts had arisen as to the right of the said trustees to make 55
 such conveyances, and also as to the validity of the two deeds
 above in part recited, and the power of the said trustees to hold
 and receive the said lands; And whereas the said petition fur-
 ther set forth that, in consequence of the increase of the in- 60
 habitants of the said city of Toronto, the said lands above de-

scribed and so held by the said trustees are wholly inadequate for the objects of the said trusts, and that it is expedient that the said trustees should have power to acquire additional lands in the township of York for the purposes of the said trust, and that it is desirable that resident householders of the village of Yorkville and of the township of York may be eligible for selection to fill vacancies as trustees, and that the choice should not be limited to resident householders of the city of Toronto, and that it is expedient that the said trustees and their successors should be constituted a body corporate by the name of "The Trustees of the Toronto General Burying Grounds;" and that it is expedient that the provisions hereinafter contained should be enacted for the better management of the said trust; And whereas it is prayed by the said petition that the said trustees shall be incorporated and the said deeds confirmed, and the said corporation empowered to hold said lands and acquire additional lands for the purposes of the said trust, and that the provisions hereinafter contained should be enacted for the better management of the said trust; And whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the Honorable William McMaster, James Lesslie, Andrew T. McCord, John Paterson, Thomas Dick and Robert Walker and a seventh trustee to be elected after the passing of this Act, pursuant to the provisions of this Act and of former Acts of the Province of Upper Canada and of Canada in that behalf, and their successors, are hereby constituted and declared a body, corporate and politic, by the name of "The Trustees of the Toronto General Burying Grounds," and by that name shall have perpetual succession and a common seal, and by that name shall sue and be sued, plead and be impleaded in all courts whatsoever, and shall have all the powers vested in corporations generally by the Interpretation Act. Incorporation.
Corporate name.
2. All the estate, real and personal, now vested in or owned or held by the trustees of the Toronto General Burying Ground is hereby vested in and transferred to the said corporation hereby constituted, and all the powers and privileges granted to the said trustees by any former Act or Acts of the Province of Upper Canada or of Canada are hereby granted to said corporation, subject nevertheless, to all the conditions and duties imposed in said trustees not inconsistent with the provisions of this Act; and the said corporation shall be liable for all the debts, obligations and liabilities of the said trustees of the Toronto General Burying Ground. The estate, real and personal, held by Trustee to be vested in the Corporation.
3. The said deeds mentioned in the preamble to this Act are hereby confirmed, and the lands and premises therein described are hereby vested in the said corporation hereby constituted in fee simple, and the said corporation is hereby empowered to receive and hold the same for the purposes of said trust, subject nevertheless, to the provisos and conditions in said deeds contained, and subject also, as to certain lots therein, to the right and title of such persons as have purchased said lots for burial purposes from the said trustees, which said sales and the conveyances granted therefor, in the name of the Toronto Necropolis, are hereby confirmed. Deeds recited in preamble confirmed.

Certain persons eligible as trustees.

4. Resident householders of the village of Yorkville, or of the township of York, shall be eligible for selection to fill vacancies as trustees of the said corporation.

Power to acquire additional lands.

5. The said corporation hereby constituted is hereby empowered to select and contract for an additional piece or additional pieces of lands well adapted for the purpose of a public cemetery or cemeteries in the township of York, which said piece of land shall and may be conveyed to and vested in the said corporation to hold the same for the purposes hereinafter declared. 10

Lands held by corporation to be surveyed and sub-divided; maps thereof to be registered.

6. The said lands above described, and any other lands acquired by the said corporation shall be used exclusively as a cemetery or cemeteries or places for the burial of the dead, and for this purpose shall be designated by appropriate names, and be surveyed and sub-divided into lots of a convenient size, respectively designated and numbered, and with such paths and avenues as may be deemed advisable, and a map or maps of such survey shall be filed in the registry office of the city or county or part of county in which the lands or lots are situate; and when the said corporation shall have acquired an indefeasible title in fee to the premises free and clear of all incumbrances, and shall have filed the said map or maps in the office aforesaid, the said corporation may sell, convey or otherwise dispose of the said lots to any person or persons on such terms and conditions and subject to such by laws of the corporation, and at such prices as shall be agreed on, to be used and appropriated exclusively for the burial of the dead, which conveyances shall be under the seal of the corporation and signed by the secretary thereof. 15 20 25

authority to sell lots for burial purposes.

Improvement of lands.

7. The said corporation may enclose, lay out, improve and embellish such land in such manner, and may erect such buildings thereon, as the nature of the establishment may require, and may also further take and hold such personal property as may be necessary and proper for attaining the objects add carrying into effect the purposes of the said corporation. 30 35

Power to hold personal property.

Lands not to be encumbered.

8. It shall not be lawful for the said corporation at any time to make, do, commit or cause any act, matter or thing whatsoever whereby the said cemeteries or burying grounds and the lands and premises appertaining thereto, or any part thereof, can or may be in anywise impeached or encumbered in title, charge, estate or otherwise. 40

Lots, when surveyed, to be indivisible.

9. That all lots of ground, when conveyed and designated and numbered as lots by the said corporation, shall be indivisible, but may be held and owned as undivided shares. 45

Persons injuring property of corporation to be guilty of misdemeanor, and upon conviction to be fined.

10. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure placed in the cemeteries or burying grounds aforesaid, or any fence, railway or other wall for the protection or ornament of the said cemeteries or burying grounds, or of any tomb, monument or grave-stone or other structure aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant or flower within the limits of the said cemeteries or burying grounds, or commit any other kind of trespass or play at 50

- any game or sport, or discharge fire-arms (save at a military funeral) in the said cemeteries or burying grounds, or who shall wilfully or unlawfully disturb any persons assembled in the said cemeteries or burying grounds for the purpose of burying any body therein, or who shall commit any nuisance therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before a justice of the said city of Toronto or county of York or other court of competent jurisdiction within the said city or county, be punished by a fine not less than ten shillings nor more than ten pounds currency, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass to be brought against him in any court of competent jurisdiction in the name of such corporation to pay all such damages as shall have been occasioned by his unlawful act or acts, which money, when received, shall be applied by the said corporation to the reparation and restoration of the property destroyed or injured as above, and the members of the said corporation shall be competent witnesses in such suits.
- 11.** That it shall be the duty of the said corporation to put up and maintain, in at least three conspicuous places within the limits of the said cemeteries or burying grounds, a printed notice containing the words of the preceding section.
- 12.** That the said corporation may take and hold any grant, donation or bequest of property, upon trust, to apply the same or the income thereof for the improvement or embellishment of the said cemeteries or burying grounds, or for the erection of any tomb, monument or grave-stone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants in and around any cemetery lot, or for the improving said premises in any other manner or form consistent with the design and purposes of the Act, according to the terms of such grant, donation or bequest.
- 13.** That the said cemeteries or burying grounds shall be, and are hereby declared exempt from all public taxes, rates or assessments, and, so long as the same shall remain dedicated to the purposes of cemeteries or burying grounds, no public street, road or avenue shall be laid through the said lands held by the said corporation for the purposes aforesaid, except by special permission of the Legislature.
- 14.** That the said corporation shall appoint a secretary and treasurer to the same, with power to dismiss and re-appoint or appoint another at pleasure, and are hereby authorized to make by-laws and to repeal or alter the same, such by-laws not being inconsistent with any existing law, for the management of its property and for the suitable remuneration of the trustees, secretary, treasurer and other officers and servants of said corporation and the regulation of its affairs.
- 15.** That the said corporation shall have power in their discretion to sell or exchange for other lands the lands in the preamble of this Act described as purchased from the corporation of the city of Toronto: Provided that the monies received as purchase-money or the lands taken in exchange therefor be used and appropriated for the purposes of the trust.

and to be liable
to an action of
trespass.

Corporation
may take any
grant or be-
quest for im-
provement or
embellishment
of burial
grounds.

Burying
grounds to be
exempt from
taxation.

Appointment
of secretary
and treasurer.

Power to pass
by-laws.

Alienation of
lands.

Proviso.

BILL.

An Act to incorporate the Trustees of the Toronto General Burying Ground, to confirm certain purchases made by them, to authorize them to acquire additional lands for the purposes of the said trust, and to amend the Acts relating to the said trust.

(PRIVATE BILL).

First reading 18th January, 1871.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An "Act to incorporate the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario," and to vest certain properties therein, and for other purposes.

WHEREAS by an Act passed in the eighth year of the reign of Her Majesty, Queen Victoria, chaptered eighty-two, intituled: "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," it was enacted amongst other things, that whenever it might be deemed expedient to erect any new Diocese or Dioceses in that part of the then Province of Canada, formerly called Upper Canada, the Bishop or Bishops of such new Diocese or Dioceses, and his or their successor or successors for the time being, should have the same powers as are by the said Act conferred upon the said Bishops of Kingston and Toronto respectively: And whereas in pursuance of the authority conferred by the said Act, a new Diocese was in the year of our Lord one thousand eight hundred and erected in Upper Canada, and called the Diocese of London, the name of which was afterwards changed to the Diocese of Sandwich, and continued to be known as such Diocese of Sandwich until the year of our Lord one thousand eight hundred and seventy, when it was re-called the Diocese of London, by which name it is now known: And whereas the Right Reverend John Walsh, Doctor of Divinity, the Bishop of the said Diocese of London has petitioned that the said Diocese of London may be incorporated under the name of "The Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario," and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said, The Right Reverend John Walsh, Doctor of Divinity, and his successors, being Bishops of the Diocese of London aforesaid, in communion with the Church of Rome, shall be and are hereby declared to be a body corporate, by the name of "The Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario," and that he and his successors shall by the corporate name aforesaid, have perpetual succession and a common seal and shall have power from time to time, (by and with the advice of his Coadjutor and Senior Vicar General, or of two clergymen for the time being, as hereinafter mentioned), to alter and renew such common seal at pleasure, and such corporation shall from time to time, and at all times hereafter, be able and capable to hold, have, purchase, acquire, possess and enjoy for the general use or uses, eleemosynary, ecclesiastical or educational of the said church, or of the religious community or of any portion of the same community within the said Diocese,

Preamble.

Incorporation
Corporate
name.

Seal.

Holding pro-
perty.

Alienating
property.

Suing and be-
ing sued.

Churches and
real estate
vested in the
Bishop.

Conveyances
to the Bishop
of property
held in trust.

Alienation of
property by
the Bishop.

any lands, tenements, or hereditaments within the Province of Ontario, and the same real estate, or any part thereof, from time to time (by and with the advice and consent hereafter mentioned), to sell or exchange, alienate, let, demise, lease, or otherwise dispose of, and in case of sale, to purchase other real estate 5 in lieu of that sold, with the proceeds or purchase money arising from such sales, and to hold and enjoy, such newly purchased or exchanged estate or estates, for the religious, eleemosynary, ecclesiastical, or educational purposes aforesaid, or any or either of them, and by such corporate name, the said Bishop 10 and his successors shall and may be able and capable in law or in equity, to sue and be sued, implead and be impleaded, answer and be answered, in all courts of law and equity, and places whatsoever, in as large ample and beneficial a manner as any other body corporate, or as any person may or can in law or 15 equity, sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever.

2. The soil and freehold as well as the fee of all lands, tenements, and hereditaments and of all burial grounds and churches, and chapels, now belonging to and used, held, 20 occupied, possessed, or enjoyed by the said John Walsh, Doctor of Divinity, or his church, in communion with the Church of Rome as aforesaid, and of all churches and chapels now being erected, or to be hereafter erected in the said Diocese of London shall be and are hereby declared to be vested in the said John 25 Walsh, Doctor of Divinity, and his successors, for the time being, under the corporate name and for the purposes aforesaid: And the said soil and freehold, as well as the fee of all lands, tenements and hereditaments, and of all burial grounds and churches and chapels now belonging to, and used, held, oc- 30 cupied, possessed, or enjoyed by the said John Walsh, Doctor of Divinity, or his church, in communion with the Church of Rome as aforesaid, as also all lands, tenements, and hereditaments which have been conveyed to the said John Walsh, for church purposes, or willed to him for educational purposes, shall be and 35 are hereby declared to be vested in him and his successor and successors, for the time being, for the purposes aforesaid, the Acts of Parliament, commonly called the Statutes of Mortmain, or other acts, laws and usages to the contrary, notwithstanding.

3. That it shall be lawful for any person or persons within 40 the said Diocese, in whom or in whose name or names any lands, tenements and hereditaments, are now, or shall or may be hereafter vested in trust or otherwise for the benefit of the said Roman Catholic churches, from time to time, to convey, assign or transfer, by deed under his or their hands and seals, 45 in the usual legal way, all or any of the said lands, tenements, and hereditaments, unto the Bishop for the time being, of the Diocese in which such real estate is situate, to be holden by the said Bishop and his successor or successors, for the purposes aforesaid, as provided by this Act. 50

4. That it shall not be lawful for the said Bishop or his successor for the time being, to make or execute, any deed, conveyance, lease or assignment, of the whole or any part of the lands, tenements and hereditaments acquired or held or to be hereafter acquired by him under and by virtue of this Act, or 55 the title to which is conferred or confirmed to him by this Act, without the consent in writing of his Coadjutor or senior Vicar General, and in case there shall happen to be no Coadjutor or

Vicar General, or in case the said Coadjutor and Vicar General shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen, to be selected or named by the Bishop of the said Diocese, such selection or nomination and such consent to appear upon the face of the deed or other instrument in writing intended to be executed by the parties and to be testified by the said Bishop and Coadjutor, or senior Vicar General, or such two clergymen as aforesaid, being made parties to, and signing and sealing all the deeds, conveyances, leases, assignments, or other instruments, in the presence of two credible witnesses, as consenting parties thereto, respectively.

5 5. That in case the said Bishop or his successors, shall from sickness, infirmity, or any other cause, become incapable, or
 15 become incapacitated to perform his duties in his Diocese, then his Vicar General, or the person administering the Diocese, shall have the same powers as are by this Act conferred upon the said Bishop.

6. And be it enacted that nothing herein contained, shall af-
 20 fect or be construed to affect in any manner or way, the rights of Her Majesty, Her heirs, or successors, or of any person or persons, or of any body politic or corporate, such only excepted as hereinbefore mentioned and provided for.

Vicar General
 to have the
 powers of the
 Bishop in cer-
 tain cases.

Rights of the
 Crown, etc.,
 saved.

BILL.

An Act to Incorporate "The Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario," and to vest certain properties therein, and for other purposes.

(*PRIVATE BILL.*)

First Reading 18th January, 1871.

Hon. Mr. CARLING.

No. 112.]

BILL.

[1871.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty chaptered forty-one intituled an Act to incorporate the Toronto and Nipissing Railway Company.

5 **W**HEREAS the Toronto and Nipissing Railway Company have prayed for certain amendments of their charter and for an extension of the powers conferred upon them thereby; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That the twenty-second section of the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered forty-one shall be amended by adding the 10 words “or in any other manner whatsoever,” after the word “construction” in the twenty-third line of the said section. ^{31 Vic., c. 41, s. 22, amended.}

BILL.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty chaptered forty-one intitled an Act to incorporate the Toronto and Nipissing Railway Company.

(*PRIVATE BILL.*)

First Reading, 18th January 1871.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Town of Walkerton and to define the limits thereof.

W HEREAS the inhabitants of the unincorporated Village of Preamble.

Walkerton, in the township of Brant, in the County of Bruce, have by their petition, represented that it has for several years past been, and is now, the County Town of the said
5 County, and by its position and importance, and from the rapid increase of the population, and by reason of the probable early construction of the railway to the said village, the population will be further augmented, and that in order to promote its progress and prosperity, and to enable the inhabitants thereof
10 to carry out the improvements they are desirous of making, and that in compliance with a resolution passed by a public meeting, duly convened to consider the matter of incorporation, and numerously attended, it is desirable that the said village be incorporated as a town ; and it is expedient to grant the prayer
15 of the said petition ; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. On and after the passing of this Act, the inhabitants of Incorporation.
the said village of Walkerton shall be, and they are hereby
20 constituted a corporation or body politic, under the name of the "Corporation of the Town of Walkerton," apart from the said Corporate name.
township of Brant in which it is situate, and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario, and exercised by the council thereof
25 under the existing municipal laws of the said Province, which are hereby made applicable hereto, but only so far as the same are not inconsistent herewith.

2. The said town shall comprise and consist of the following Limits of the town.
farm lots, with such parts thereof as are laid out and known as
30 the Village of Walkerton or otherwise, that is to say, farm lots numbers twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one, in the first concessions north and south of the Durham Road, and also farm lots numbers twenty-three, twenty-four,
35 twenty-five, twenty-six, twenty-seven, twenty-eight, and that portion of lot twenty-nine (if any) west of the River Saugeen, south of the Durham Road, in the second concession of the said township.

3. The said town of Walkerton shall be divided into three Wards.
40 wards, to be called respectively Saugeen Ward, Grove Ward and Silver Creek Ward ;

(1.) Saugeen ward shall be composed of farm lots numbers Saugeen ward.

twenty-nine, thirty and thirty-one, north of the Durham Road; also farm lots numbers twenty-nine, thirty and thirty-one south of the Durham Road to the east of the river Saugeen, including the islands in the said river forming portions of said farm lots, and all that portion of the village of Walkerton east of Victoria street, and south of the Durham Road, to South street, extending to the river Saugeen; Also that portion of said village lying north of the Durham Road to the river Saugeen, south of Wellington street and east of Colborne street, as shown on the registered map of the village of Walkerton; Also farm lots 10 numbers twenty-eight, and that portion of twenty-nine to the west of the river Saugeen, in the second concession, south of the Durham Road, in the said township;

Grove ward.

(2.) Grove Ward shall be composed of all that portion of the village of Walkerton, west of Victoria street, south of the 15 Durham Road east of the side line and north of South street; Also that portion lying north of the Durham Road, west of Colborne street, to the side line between farm lots numbers twenty-five and twenty-six north to the Saugeen river; Also farm lots numbers twenty-six, twenty-seven and twenty-eight 20 north of the river Saugeen, in the first concession north; Also farm lots numbers twenty-six and twenty-seven in the second concession south of the Durham Road;

Silver Creek ward.

(3.) Silver Creek Ward shall be composed of farm lots numbers twenty-two, twenty-three, twenty-four and twenty-five north and 25 south of the Durham road, in the first concession; Also farm lots numbers twenty-three, twenty-four and twenty-five, in the second concession south of the Durham Road.

First election.

4. Immediately after the passing of this Act, it shall be lawful for Walter Langmuir Watt, who is hereby appointed the 30 returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the school house in the said town, at the hour of noon, and he shall give one week's notice thereof, in a newspaper published in the said town, and on the same day also by one week's written notice posted up in at least 35 two conspicuous places in each ward of the said town of such nomination, and he shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for 40 the said election shall be held on the same day of the week in the week next following the said nomination.

Deputy returning officers.

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided, and in the discharge of their duties, such 45 returning officer and deputy returning officers shall, before holding the said election, take the oath or affirmation now required by law, and shall be respectively subject to all the provisions of the existing municipal acts applicable to returning officers at elections in towns, as far as the same do not conflict 50 with this Act, and the said returning officer shall have all the powers and perform the several duties of town clerks with respect to municipal elections in towns.

Municipal Acts to apply to returning officers.

Voters rolls.

6. The clerk of the said township of Brant and any other officer 55 thereof, shall, upon demand made to him by the said returning

officer or any other officer of the said town, at once furnish the said returning officer or any other officer with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing, statement or deed that may be required, and the said returning officer shall furnish each of his said deputies with true copies of said roll, as far as the same relates to voters resident in the several wards in the said town, and so far as such assessment roll contains the names of the male freeholders and householders rated thereon, which copies shall be verified on oath or as is now required by-law.

7. The council of the said town to be elected in manner aforesaid shall consist of the Mayor, who shall be the head thereof, a reeve, and three councillors for every ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination, and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Acts in Ontario, and have, use and exercise the powers and privileges vested in the mayor and councillors in incorporated towns.

Town council how composed and organized.

8. The several persons who shall be elected or appointed under this Act shall take the oaths of office and of qualification in the manner now prescribed by law, and in accordance with this Act,

Persons elected to take the oaths of office.

9. That at the first election of mayor, reeve and councillors of the said town, and at every subsequent election to be held thereafter, until the said town has the required numbers to constitute it a town according to the Municipal Acts, whether parliamentary, municipal, or otherwise, the qualification of the electors and of the mayor, reeve and officers required to qualify shall be the same as that of elections in townships.

Qualification of electors, mayor, reeve and officers.

10. From and after the holding of the election under this Act, the said town shall cease to form part of the township of Brant, and shall to all intents and purposes, form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated town in Ontario, and any person in the said town holding the deputy reeveship, or any other office shall cease to hold the same.

The town no longer a part of the township of Brant.

11. The council of the said town shall be entitled to recover from the said township of Brant such share of all moneys on hand, due, owing, and of right collectable by and belonging to the said township at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town as shown by the collector's roll of the year one thousand eight hundred and seventy bears to the whole amount of the assessed property of the said township, and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due.

Apportionment of assets and liabilities.

12. Licenses, if wanted, shall be given to all the hotels now occupied, and complying with the present law, and in order to

Hotel licenses.

meet the demand for further hotel accommodation other good houses may be licensed as to the said council may seem necessary and the exigencies of the town require.

Expenses of
assessment for
the present
year.

13. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessment made within the limits of the said town, and incurred to obtain this act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the Council of the said township, or otherwise, shall be borne and paid by the said Town Council to the said Township Council, or any other party entitled thereto. 5 10

BILL.

An Act to Incorporate the Town of Walkerton and to define the limits thereof.

(PRIVATE BILL.)

First Reading, 19th January, 1871.

Mr. BLAKE.

An Act amending the Acts relating to the Port Whitby and Port Perry Railway Company.

WHEREAS the Port Whitby and Port Perry Railway Company have petitioned that the Act of the Legislature of Ontario, passed in the Thirty-first year of Her Majesty's reign, intituled "An Act to incorporate the Port Whitby and Port Perry Railway Company," and chaptered forty-two, and the Act amending the same, passed in the thirty-second year of the reign of Her said Majesty, and chaptered sixty, and the Act amending the same, passed in the thirty-third year of Her said Majesty's reign, and chaptered thirty-nine, be amended, by making provision for the appointment of trustees for the holding of the debentures of the several municipalities which have granted bonuses in aid of the said Railway, and for the extending of the time for the commencement of the building and completion of the extension and branches of the said Railway; And whereas it is expedient that the said Act, and the amendments thereto, should be amended according to the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the whole of the debentures granted by the Municipalities of the town of Whitby, the township of Whitby, the township of Reach, and township of Scugog, or the proceeds of such of said debentures as have been sold and in the hands of John Crawford, be placed in the hands of trustees, within ten days after the passing of this Act, and that
 be and are hereby appointed Trustees for the holding of said debentures and moneys aforesaid.

Appointment of new trustees to hold certain debentures.

2. That the said Trustees shall receive the said bonds, debentures, and any coupons, or interest warrants attached thereto, together with any moneys, the proceeds of the sale of such debentures or interest paid thereon, by the municipalities aforesaid, which have not already been expended in the construction of said railway, in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control, or in anywise dispose of the said bonds, debentures, securities, interest warrants, or moneys, unless and except upon, and under the circumstances and conditions following—that is to say:

Trusts upon which the debentures are to be held.

That the said Trustees shall have full power to sell and dispose of said debentures or securities, and the proceeds of the sale of such debentures or securities, and together with any other moneys received by them, to pay out the same;

Firstly, for the purchase of iron necessary to complete the laying the track of said Railway; Secondly, that any surplus remaining in the hands of said trustees, shall be paid over to the said Railway Company, on the completion of the laying down of the whole of the iron on said Railway, from Port 5
Whitby to Port Perry.

Iron to be used for laying down on the line, and to be exempt from seizure. 3. That the iron so paid for by the trustees as aforesaid, shall not be used for any other purpose than the laying down on the line of the Port Whitby and Port Perry Railway, and that such iron shall not be liable to seizure under execution 10
against said Railway Company.

Time extended for completing the extension of Railway. 4. That the time limited in section Four of the Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-nine, for the commencement and completion of the branch to Uxbridge, and the extension of said Railway to Beaverton, 15
be, and is hereby extended two years from the passing of this Act.

No. 114.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to amend the Acts relating to Port
Whitby and Port Perry Railway Com-
pany.

(PRIVATE BILL.)

First Reading, 19th January, 1871.

MR. PAXTON,

77 BANCROFT.

No. 115.]

BILL.

[1871.

An Act to amend the Act passed in the thirty-second year of Her Majesty's reign, and chaptered Thirty-two.

WHEREAS it is expedient to amend the Act passed in the thirty-second year of Her Majesty's reign, chaptered thirty-two, and intituled "An Act respecting tavern and shop licenses," and to provide for licensing saloons on the line of Railways; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

That the said recited Act be amended by adding the following after the ninth sub-section of section six of the said Act, "Nevertheless it shall and may be lawful for the issuer of licenses in each municipality through which any line of railway runs, to grant a tavern license, exempted from the necessity of having all the tavern accommodation required by law to any person or persons under a contract with any incorporated Railway Company to keep an eating-house, refreshment saloon or house of public entertainment, upon an application of any such Railway Company, setting forth that such person or persons is or are under such contract, being filed with the said issuer of licenses, and upon payment by the person or persons receiving such licence of the provincial duty and of the duty as fixed by the by-law to be paid for a certificate for tavern license in the municipality in which such license is issued."

32 Vic. cap. 32
s. 6 amended.

Licenses to
Railway
Station sa-
loons.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to amend the Act passed in the
thirty-second year of Her Majesty's reign
and chaptered thirty-two.

First Reading, 19th January, 1871.

MR. CRAIG, (*Glengarry*.)

An Act respecting the Court of Chancery.

WHEREAS it is advisable to provide greater facilities for Preamble.
the transaction of business in the Court of Chancery, and
to make various other provisions in respect to the said Court :
Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. The Lieutenant-Governor in Council may appoint an off- Appointment
icer of the said Court, to be called "Referee in Chambers," who of Referee in
shall perform the duties indicated in the next succeeding sec- Chambers.
tion of this Act, and to whom, as far as possible, shall be made
all references to be conducted in Toronto, under the "Act for
Quieting Titles to Real Estate in Upper Canada," and who, for
the purpose of expediting business in the Master's office, shall
take such references, and none other, as the Master in Ordinary
shall certify that he is unable, by reason of press of business, or
otherwise, presently to proceed with, and who shall in addition,
perform such other duties of a ministerial nature as the Judges
of the said Court may by any general order assign to him.

2. It shall be lawful for the said Court to make and publish Court to make
general orders for the following purposes : general orders.

(1.) For empowering the said officer to do any such thing, For empower-
and to transact any such business, and to exercise any such au- ing the Referee
thority and jurisdiction in respect of the same as by virtue of to transact
any statute or custom, or by the practice of the said Court, is certain busi-
now done, transacted or exercised by a Judge of the said Court ness.
sitting in chambers, and as shall be specified in any such order,
except in matters relating to granting writs of Habeas Corpus,
and adjudicating upon the return thereof, and to appeals and
applications in the nature of appeals, and to proceedings under
the thirty-third section of chapter twelve of the Consolidated
Statutes for Upper Canada, or under sections five to eleven
inclusive, of the Act of the late Province of Canada, passed
in the twenty-eighth year of the reign of Her present Ma-
jesty, and chapter seventeen.

(2.) For conferring upon any of the local Masters of the for conferring
Court all or any of the powers which the said Court are here- certain powers
inbefore authorized to confer upon the said Referee in Cham- on the local
bers, and to make such regulations as to filing and keeping re- masters.
cords, and the transmission of the same, or of copies thereof, to
an officer of the Court, at Toronto, as to such Court shall seem
expedient.

3. Every order or decision made or given under this Act by Decision of the
the said Referee in Chambers, or a local Master, shall be as referee to be
binding.

Appeal there-
from.

valid and binding on all parties concerned as if the same had been made or given by a Judge sitting at Chambers; Provided always that it shall be lawful for any person affected by any order or decision of such officer, to appeal therefrom within such time and in such manner as shall be appointed by any general orders to be made in that behalf. 5

Fees.

4. The said Referee in Chambers shall not, nor shall the accountant of the said Court, nor any clerk appointed under sixteen of chapter twelve of the Consolidated Statutes for Upper Canada, take for his own benefit, directly or indirectly, 10 any fee or emolument, save the salary to which he may be entitled by law, and all the fees received by or on account of such offices shall form part of the Consolidated Revenue Fund of this Province.

Salaries.

5. *There shall be paid out of the Consolidated Revenue Fund of this Province the yearly sums following, as and for the salaries of the Master in Ordinary of the said Court and of the said Referee in Chambers, that is to say: To the Master, three thousand dollars (in lieu of all sums heretofore directed to be paid); and to the said Referee in Chambers, 15 dollars, free from all taxes and deductions whatever, 20 and so in proportion for any broken period.*

Administra-
tion of oaths.

6. The taxing officer of the Court shall, for the purposes of any proceedings directed by the Court or the Master to be taken before him, have full power to administer oaths, to take affidavits, to receive affirmations, and to examine parties and witnesses, as the Court or Master shall direct; and the said Referee in Chambers shall have like authority in all matters before him. 25

Securities in
the hands of
the registrar
vested in the
accountant.

7. On the first day of March, one thousand eight hundred and seventy-one, all mortgages, stocks, funds, annuities and securities whatsoever, which shall then be standing in the name of the Registrar of the Court of Chancery, or shall be in the custody or power of the said Registrar, as such Registrar, and in respect to his office, together with all the interest and estate of the said Registrar in the lands and premises embraced in such mortgages or other securities, shall become by force of this Act vested in the Accountant of the said Court for the time being, as such Accountant, subject to the same trusts as they shall then respectively be subject to, and shall and may be proceeded on, by and in the name of the said Accountant, in right of his office, by any action or suit at law or in equity, or in any other manner, or may be assigned, transferred or discharged, as the same might have been proceeded on, assigned, transferred or discharged by or in the name of the said Registrar, and all such funds, stocks, securities and moneys as shall, on the said first day of March, be standing in the name of the said Registrar, as such Registrar, in the books of any bank or other body, politic or corporate, or company, shall on the said first day of March be carried by the proper officers to the credit of the said Accountant, in the books of the said bank, or other body politic or corporate, or company, in trust to attend the orders of the said Court. 30 35 40 45 50

Property on
death of ac-
countant to
vest in his
successor.

8. In all cases in which any interest in real or personal estate, effects or property, shall be vested in the Accountant for the time being of the Court of Chancery, as such Account-

ant and in respect of his office, all such real and personal estate, effects and property whatsoever, upon the death, resignation or removal from office of each and every Accountant of the said Court from time to time, and as often as the case shall happen, and the appointment of a successor shall take place, shall, subject to the same trusts as the same were respectively subject to, vest in the succeeding Accountant by force of this Act; and shall and may be proceeded on by any action or suit at law or in equity, or in any other manner, or may be assigned, transferred or discharged in the name of such succeeding Accountant, as the same might have been proceeded on, assigned, transferred or discharged, by or in the name or names of such Accountant so resigning, removed or dying, his heirs, executors or administrators.

15 9. And whereas doubts have been raised respecting the validity of certain proceedings in the said Court of Chancery, and it is advisable to remove the same, be it therefore enacted that all orders heretofore made, and proceedings had and taken in Chancery Chambers since the tenth day of September, one
 20 thousand eight hundred and sixty-six, shall be and the same are hereby declared to be as valid and effectual as if the same had been made, had or taken by a Judge of the said Court, although there may have been no Judge actually sitting in Chambers when the said orders were made or the said pro-
 25 ceedings were had.

Previous orders and proceedings confirmed.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act respecting the Court of Chancery.

First reading, 20th January, 1871.

Attorney-General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST

An Act to amend the Act incorporating the Hamilton and Lake Erie Railway Company.

WHEREAS the Hamilton and Lake Erie Railway, incorporated by an Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty-six, have petitioned for power to extend the line of the railway authorized by their charter to Port Dover, or some other point in the County of Norfolk, on Lake Erie, and for certain amendments in their Act of Incorporation, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company shall have power to extend their line either from Caledonia or Cayuga to Port Dover, or some other point on Lake Erie, within the County of Norfolk, and the several clauses of the Railway Act, which, by the second clause of the Act incorporating the Hamilton and Lake Erie Company, are incorporated with that Act, and the powers given by that Act shall be taken, held and construed to apply to the extensions hereby authorized to be constructed as fully and effectually as if the said extensions had been originally authorized by the said last mentioned Act.

2. The eighth section of the said Act is hereby repealed, and in lieu thereof it is enacted, that as soon as the sum of fifty thousand dollars shall have been subscribed, either in municipal debentures granted by way of bonus or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, and such municipal debentures shall have been deposited in one of the chartered banks of the Province, or with the Provincial Treasurer, as hereinafter provided, and ten per centum shall have been paid upon the shares so subscribed for into some chartered bank, there to remain until required for the purposes of this Act the provisional directors, or a majority of them, shall call a general meeting of the subscribers to the said capital for the purpose of electing directors of the company.

3. The said last named directors are hereby authorized to take all necessary steps for procuring subscriptions for shares in the stock books of the company, from parties desirous of becoming shareholders in the said company, until the whole of the capital stock authorized by the said Act shall have been taken up, and to issue the necessary scrip therefor.

4. The first proviso to the fourteenth clause of the said Act is hereby repealed, and the following substituted therefor: Pro-

Preamble.

Power to extend the line.

33 V., c. 36, s. 8 repealed, other provisions in lieu thereof.

Powers as to subscribing for shares.

33 V., c. 36, s. 14 amended.

vided always that the whole issue of such bonds shall not exceed two hundred thousand dollars, nor shall the same at any time be in excess of the amount actually expended in works of construction upon the said line.

City of Hamilton, powers under 33 V., c. 36, s. 21.

5. It shall be lawful for the city of Hamilton, which is a creditor and holder of bonds referred to in the twenty-first section of the said Act, through its mayor or chief officer, to assent to the sale authorized by that section, and to accept from the trustees deferred bonds and paid up stock in satisfaction of its claims, in the same way as other creditors, and such sale made with such assent as therein and herein provided, shall be valid and binding upon all parties. 10

Powers of municipalities as to bonuses;

6. If a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality, do petition the council of such municipality, expressing the desire of the petitioners to grant a bonus or donation to aid the company in the construction of said railway, and by their petition stating the metes and bounds of the portion of the municipality within which the property of the petitioners is situated, and the amount they desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law: 15 20

by-laws as to bonuses.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years, or earlier, and for the payment to the company of the amount of said bonus or donation at the time and on the terms specified in the said petition. 25

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of such debentures, with interest thereon; Provided always, that such by-law shall be approved by a majority of qualified municipal electors in the portion of the municipality petitioning as aforesaid, pursuant to the provisions of the Municipal Act hereinbefore mentioned. 30 35

Powers to exempt or commute for taxes.

7. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years not exceeding twenty-one years as such municipal corporation may deem expedient. 40 45

Debentures in aid of the railway, how to be dealt with.

8. The municipality or municipalities granting aid by way of bonus, or authorizing the issue of municipal debentures to the company to aid in the construction of the railway, shall, within one month after the passing of the by-laws granting such aid, deposit the same either with the Provincial Treasurer or in one of the chartered banks of this Province, to be withdrawn upon such terms and conditions as may be mentioned in the by-law or in the agreement entered into between the council of such municipality and the directors of the company. 50

9. In the event of the agreement referred to in the twenty-second clause of the said recited Act not being carried into effect within two months after the organization of the company under this Act, the trustees named in the said Act shall and
 5 may transfer to the company hereby incorporated the whole of the property vested in them under the last mentioned Act upon the trusts following, that is to say: That the same and the improvements to be made thereon, and their appurtenances and all other property to be acquired by the said company, and the
 10 tolls, receipts and revenues thereof over and beyond the working expenses and maintenance of the said railway shall stand pledged and charged to pay interest at the rate of seven per centum upon the capital by the said Act and this Act authorized to be raised for the completion of the said railway, whether
 15 it shall consist of the stock, bonds or debentures, and which capital is hereinafter referred to as preferential capital and to pay a sum of two per centum as a sinking fund to pay off the said preferential capital, and subject thereto to apply the residue in and towards the payment of such liens as are referred
 20 to in the last mentioned Act, *pari passu*, or according to their legal preferences or priorities with power to pay such surplus into the Court of Chancery in the event of the claimants differing as to the application thereof.

Agreement in
 33 Vic., c. 36,
 s. 22, provisions as to.

10. Whenever the said preferential capital shall have been
 25 discharged the bondholders at present holding valid claims on the Hamilton and Port Dover Railway shall be entitled to exercise all the rights of shareholders in the said company and shall have the same number of votes as would be conferred by holding stock or shares in the company of equal nominal amount,
 30 but if the amount of bonds held by any such bondholder be not divisible without a remainder by the amount of a share in the company there shall be no vote in respect of such remainder, but the rights hereby conferred shall not arise until the whole of the preferential capital shall have been paid and discharged.

Bondholders
 of Hamilton
 and Port
 Dover Rail-
 way, their
 rights as share-
 holders.]

35 11. As soon as the further sum of one hundred thousand dollars has been subscribed, either in municipal debentures granted by way of bonus or otherwise, or partly in such municipal aid and partly in subscriptions to the capital stock, upon which
 40 ten per centum shall have been paid into a chartered bank, as hereinbefore provided, and so soon as such municipal debentures shall have been deposited as aforesaid, it shall be lawful for the company to proceed with the extension hereby authorized from Caledonia or Cayuga to Port Dover, or some other point on
 Lake Erie, within the County of Norfolk, and for the purpose of
 54 such extension the capital may be increased to four hundred thousand dollars.

When the ex-
 tension of the
 line may be
 made.

Power to in-
 crease capital.

12. The company may in like manner, as is provided in the said recited Act, issue bonds for the purpose of raising funds
 for the construction of such extension, not exceeding in the
 50 whole ten thousand dollars per mile of the said railway actually under construction at the time of such issue; and provided also, that the amount of bonds issued at any one time shall not be in excess of the amount actually expended in works of construction upon the line of the said railway, materials actually delivered
 55 to the company being included in the words "works of construction."

Powers to is-
 sue bonds for
 the extension.

Priority of
bonds for ex-
tension.

13. The bonds referred to in the last clause, to the extent aforesaid, shall take priority over the deferred bonds mentioned in the twenty-fifth section of the said recited Act.

Time fixed for
completion.

14. The time for the completion of the said railway to Caledonia or Cayuga shall be extended for a period of three years, 5 and for the extension to Lake Erie, to the period of five years after the passing of this Act.

No. 117.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to amend the Act incorporating the
Hamilton and Lake Erie Railway Com-
pany.

(PRIVATE BILL.)

First Reading, 24th January, 1871.

MR. WILLIAMS (*Hamilton*).

TORONTO:

No. 118.]

BILL.

[1871.

An Act to amend the Act intituled, "An Act respecting the Municipal Institutions of Upper Canada."

WHEREAS it is expedient to amend the Act passed in the Preamble.
session held in the twenty-ninth and thirtieth years of
the reign of Her present Majesty, intituled "An Act respect-
ing the Municipal Institutions of Upper Canada" and chap-
5 tered fifty-one: Therefore Her Majesty by and with the advice
and consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. That sections three hundred and one, and three hundred and two of the said Act be respectively amended by inserting after
10 the word "City" in the first and second lines of the said sec-
tions respectively, the words "and Incorporated Villages."

29 & 30 Vic.
c. 53, sections
301 & 302,
amended.

BILL.

An Act to amend the Act intituled, "An Act respecting the Municipal Institutions of Upper Canada."

First reading 30th January, 1871.

Mr. GRAHAM, (York.)

An Act to amend the Act intituled, "An Act respecting the Municipal Institutions of Upper Canada."

WHEREAS it is expedient to amend the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, intituled "An Act respecting the Municipal Institutions of Upper Canada" and chapter fifty-one: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That sections three hundred and one, and three hundred and two of the said Act shall apply to towns and incorporated villages as well as to cities; Provided always, that the right of appeal as provided by the said three hundred and first section shall be to the judge of the county court. 29 & 30 Vic. c. 53, sections 301 & 302, amended.

2. That sub-section two of section three hundred and one of said Act be amended by inserting the following words after the word "sidewalk," in the sixth line, "or any bridge forming part of the highway." S. 301, sub-s. 2 amended.

3. That section three hundred and two of the said Act be amended by adding to the end thereof the following proviso: S. 302 amended.

"Provided also, that in cases where the council of any city or town shall decide to contribute at least half of the cost of such local improvement, it shall be lawful for the said council to assess and levy in manner provided by the three hundred and first, three hundred and second, three hundred and third, three hundred and fourth and three hundred and fifth sections of this Act, from the owners of real property to be directly benefitted thereby, the remaining portion of such cost without petition therefor, unless the majority of such owners representing at least one-half in value of such property shall, within one month after the publication of a notice of such proposed assessment in at least two newspapers published in such city or town, petition the council against such assessment." Local improvements, cost of.

4. That sub-section twelve of section three hundred and forty-one of said Act be repealed, and the following substituted therefor: S. 341, sub-s. 12 amended.

"It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines; and in the case of a bridge over a river forming a boundary line between a county and a city, such bridge shall be erected and maintained by the councils of the county and city; Bridges over rivers forming boundaries.

and in case the councils of such county and city, or the councils of such counties, fail to agree on the respective portions of the expense to be borne by the several counties, or city and county, it shall be the duty of each council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final." 5

S. 282 amended.

5. That the following sub-section be added to section two hundred and eighty of said Act :

Obstructions to streams.

"Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between 10 such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstructions, may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such 15 township to clear such stream or creek through their municipality ; and it shall be the duty of such last named Council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality to the satisfaction of any person whom the 20 council of the county in which the municipality is situate shall appoint, to inspect the same.

31 V., c. 30, ss. 29, 35 repealed.

6. That sections twenty-nine and thirty-five of chapter thirty of the Act passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign, be and the same are hereby 25 repealed.

BILL.

An Act to amend the Act intituled,
Act respecting the Municipal Institu
of Upper Canada."

(Reprinted as amended by Select Comm

First Reading 30th January, 1871

Second " 1st February, "

MR. GRAHAM (Y

An Act respecting Commissioners of Police.

WHEREAS by an Act of the Parliament of the late Prov- Præmble.
 ince of Canada, passed in the thirty-first year of the
 reign of Her Majesty Queen Victoria, chaptered seventy-three,
 and intituled "An Act respecting Police of Canada;" the
 5 Governor General in Council is authorized to appoint by
 commission under the great seal of the Dominion one or
 more fit and proper persons to be and act as a Commis-
 sioner or Commissioners of Police within one or more of the
 Provinces of Canada; and it is desirable and expedient the
 10 better to enable such Commissioner or Commissioners of Police
 so appointed, to execute the Criminal Laws of the Dominion,
 that they should have proper Criminal jurisdiction granted to
 them within this Province; Therefore Her Majesty, by and
 with the advice and consent of the Legislative Assembly of the
 15 Province of Ontario enacts as follows:—

1. Any Commissioner of Police duly appointed under the Powers of
 great seal of Canada, to be and act as such within the Pro- Commission-
 vince of Ontario, under and by virtue of the Act aforesaid, and ers of Police.
 who shall be authorized in that behalf by commission from the
 20 Lieutenant-Governor under the great seal of this Province, shall
 have and exercise within the several Counties, Judicial District,
 Provisional Judicial District, or Territorial District within this
 Province, all the powers and authority, rights and privileges,
 by law appertaining to Police Magistrates of Cities, and all the
 25 powers and authority, rights and privileges appertaining to
 Justices of the Peace generally; and shall be subject in all re-
 spects except as otherwise provided by this Act, to the require-
 ments of the law of this Province respecting Police Magistrates
 and the office of Justice of the Peace: But it shall not be neces-
 30 sary for any Commissioner of Police as aforesaid, to possess any
 property qualification or to be actually resident within any
 county or other territorial division for which the administra-
 tion of criminal justice is provided, nor shall it be necessary for
 any such Commissioner of Police to take or subscribe any oath
 35 of allegiance or of office within any such county or district.

2. The Police Constables appointed or employed by Police Consta-
 such Commissioner of Police shall be charged with all the bles.
 powers, rights and responsibilities which belong by law to
 constables duly appointed in this Province, and they shall
 40 be subject to such Commissioner of Police and liable to all the
 responsibilities, forfeitures, and penalties provided by or ex-
 pressed in the said Act of Canada "respecting Police of Canada."

3. The said Commissioner or Commissioners of Police, and Commission-
 the said Police Constables notwithstanding anything herein to ers and Con-
 45 the contrary, shall have no power or authority, as regards stables to have
 offences against Municipal by-laws, or as such with any other no authority
 purely Municipal matters, and this Province shall not be liable in municipal
 matters.

to any charge for the maintenance of such Commissioner of Police or Police Constables.

Revocation of Commissions. 4. In case the Lieutenant-Governor shall revoke any Commission issued by him under this Act, the authority of any such Commissioner and of any Constable appointed by him, as far as the same are given under or by virtue of this Act, shall forthwith cease.

BILL.

An Act respecting Commissioners of Police.

First Reading, 30th Jan., 1871.

Hon. Attorney-General MACDONALD.

An Act relative to arrears due upon Crown, Clergy and Grammar School Lands, sold previously to 1st July, 1867.

WHEREAS it is represented that various Crown, Clergy and Grammar School Lands in this Province were sold at prices beyond their fair value, which prices remain unpaid, and that large arrears of interest have accumulated upon the unpaid instalments of the purchase money of inferior lands of the kinds or classes before mentioned; and that it would be unjust to enforce payment of the prices aforesaid, or of all the arrears of interest aforesaid; and it is expedient that power should be given to grant relief in such cases as hereinafter provided: Therefore Her Majesty by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in council shall have authority to reduce the price of any Crown Land, Clergy Land, or Grammar School Land sold by the Crown previously to the first day of July, in the year one thousand eight hundred and sixty-seven, when it shall appear that such land has been sold at a price beyond its fair value, and that such price remains unpaid.

2. The Lieutenant-Governor in council shall also have authority to make such abatement as may appear equitable and just, of the arrears of interest upon the unpaid instalments of the purchase money of any Crown Land, Clergy Land, or Grammar School Land sold by the Crown previously to the first day of July aforesaid, in cases in which such land shall appear to be of an inferior kind or quality.

3. Before any such reduction or abatement as aforesaid is made, the land in respect of which such reduction or abatement is proposed, shall be examined and valued by one or more inspector or inspectors appointed for that purpose by the Lieutenant-Governor in council, or by the Commissioner of Crown Lands.

4. Such reduction and abatement shall be confined to cases in which the purchaser from the Crown or person claiming under him is in occupation of such land, and is an actual settler thereon, or on land adjacent thereto.

5. The Lieutenant-Governor may by an order in council confer upon the Commissioner of Crown Lands authority to make such reduction or abatement as aforesaid, subject to the provisions of the third section of this Act, and subject also to such other provisions, if any, not inconsistent with this Act, as may be embodied in said order in council.

Preamble.

Reduction in the price of lands sold by the Crown beyond their fair value.

Abatement of interest upon lands sold by the Crown of an inferior quality.

Inspection of lands.

Persons entitled to a reduction or abatement.

Lt-Gov. may authorize Commissioner of Crown lands to make reductions and abatements.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act relative to arrears due upon Crown
Clergy and Grammar School Lands sold
previously to 1st July, 1867.

First Reading, 30th January, 1871.

Hon. Mr. RICHARDS.

An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.

WHEREAS from defective construction, insufficient accommodation, both as regards internal arrangements and exterior surroundings; the entire absence of the means of enforcing hard labour; the want of an adequate staff of officers, and other causes, it is found that the common gaols of this Province, and the present system of prison administration, has little, if any, deterrent or reformatory influence on criminals; And whereas it is expedient to remedy these and other defects, and at the same time make provision for more effective discipline, a better classification of prisoners, as well as for their religious and secular instruction, by the establishment of a prison of a character intermediate between the common gaols and the Dominion penitentiary: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor may purchase and acquire for the public use of the Province a suitable place within the Province, all such lands and real estate as may be necessary for the purposes of this Act; and may cause to be erected thereon proper and suitable buildings, to be known as "The Central Prison," to be used for the reception, confinement, employment and reformation of such criminals or offenders as are hereinafter mentioned.

2. The said prison shall be called "The Central Prison for the Province of Ontario."

3. As soon as the said central prison shall be constructed and completed, in accordance with the plans approved of by the inspector of gaols and reformatories, and sanctioned by the Lieutenant-Governor in Council, the said inspector shall report the same to the Lieutenant-Governor, whereupon the Lieutenant-Governor may, by proclamation, declare the same to be the central prison for the Province, as hereinbefore provided.

4. The said central prison shall be furnished with all requisite means for enforcing the performance of hard labor by the inmates thereof; and solitary confinement shall form part of the discipline thereof.

5. The Lieutenant-Governor may appoint for said central prison a warden, a surgeon, a school master, an accountant, a matron, and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant.

Inspector of
prisons to be
ex-officio in-
spector of cen-
tral prisons.

Inspector to
make rules, &c.

Powers of In-
spectors over
officers of the
prison.

Power of In-
spector to im-
pose fines on
officers of the
prison.

Inspection of
prison by In-
spector.

6. The inspector appointed or to be appointed under the first clause of "The Prison and Asylum Inspection Act, 1868," shall, by virtue of his office, be the inspector of the prison to be erected under the authority of this Act, and shall have the same powers in respect of such last mentioned prison as are conferred upon him in respect of the Provincial reformatory, by the said "Prison and Asylum Inspection Act, 1868." 5

7. The inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline, and police of the said central prison, and for fixing and pre-10 scribing the duties and conduct of the wardens, and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time; 15 Provided always, that no such rule or regulation shall have any effect until and unless it be first approved of by the Lieutenant-Governor in Council.

8. The inspector shall have power summarily to suspend any of the officers or servants of the said central prison for miscon-20 duct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the inspector may, until such decision shall have been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of 25 the prison; and it shall be the duty of the said inspector to recommend the removal of any of the above named officers or servants whom he finds incapable, inefficient or negligent in the execution of his duty, or whose presence in such central prison he may deem injurious to the interests thereof; and the pay of 30 every officer or servant so suspended shall cease during the period of such suspension.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of such central prison for any act of negligence, carelessness or insubordination by him committed, of 35 reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit.

10. The inspector shall have power at all times to enter into such central prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and 40 other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such central prison, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relat-45 ing to any breach of the rules of such central prison, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers and writings before him; and any person who shall neglect or refuse to appear at the time and place specified in such 50 order, having been duly served with a copy thereof, or shall refuse to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the inspector in that behalf, and imprisoned in the common gaol of the locality, as for contempt 55 of court, for a period not exceeding fourteen days.

11. It shall also be the duty of the inspector to audit the accounts of the warden of such central prison ; to enquire into all money transactions when requisite ; to demand and obtain a statement of all cash transactions of such prison every month, and to administer to the warden and accountant an oath or affirmation to the effect following, viz. :

I, _____, warden, and I, _____, accountant, Form. of the central prison of this Province, make oath or affirm and say, that the foregoing statement of revenue and expenditure of the said central prison for the month of _____, 18____, is true and correct.

12. The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding such central prison, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres for each prison, and may cause the same to be securely enclosed. Lieut. Governor may acquire additional lands.

13. The Lieutenant-Governor, upon the report of the inspector that the central prison building is in such a condition that the same may be safely used for the confinement of prisoners, may, by order in council, declare the same ; and thereafter the said prison shall be held to be the central prison, established under this Act, for all purposes except those set out in the fifteenth section, and the Lieutenant-Governor may from time to time thereafter order and direct that all or any of the persons under-going sentence of imprisonment in the common gaols of this Province may be employed, under such regulations as may be provided in that behalf, upon, in and about the building and erection of the said central prison, or in and about such other remunerative labour or employment as may be deemed expedient. Persons undergoing sentences may be employed in building central prisons.

14. After any proclamation shall have been issued, declaring such central prison to be the central prison of the Province, or such order in council made, all persons then or thereafter confined in any of the common gaols of the Province, under sentence of imprisonment for any offence, may by direction of the Provincial Secretary be transferred from such common gaols respectively to such central prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which any such person was originally sentenced or committed to such common gaols respectively ; and such persons shall thereupon be imprisoned in such central prison for the residue of the said respective terms, and shall be subject to all the rules and regulations of such central prison. When proclamation issued prisoners to be transferred from common gaol to central prison.

15. Every court of criminal jurisdiction in this Province, before whom any person shall be convicted of an offence punishable by imprisonment in the common gaol, may, after this Act takes effect, sentence such offenders to imprisonment in the central prison instead of the common gaol of the county where the offence was committed or was tried. Convicted persons may be sentenced to central prison instead of common gaol.

16. Every person convicted before one or more justice or justices of the peace, or by a police magistrate, of any offence cognizable by such justice or justices, or police magistrate, and for which punishment by imprisonment in the common gaol may be awarded, for any period not less than fourteen days, and Conviction by justices.

committed to a common gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from such common gaol to the central prison, and there imprisoned for the unexpired portion of his sentence in the central prison instead of the common gaol of the county. 5

Employment of prisoners without the precincts of the prison, under certain regulations.

17. The Lieutenant-Governor, by order in council, may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such central prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the rules, regulations and discipline of the said central prison, so far as the same may be applicable, and to such other regulations for the purpose of preventing escapes and otherwise, as may be approved by the Lieutenant-Governor in that behalf; Provided that when any such prisoner or prisoners shall be so employed without the walls or limits of such central prison, it shall only be done under the strictest care and supervision of officers appointed to that duty. 10 15

Prisoners may be transferred from one prison to another, and to or from the Provincial reformatory.

18. The Lieutenant-Governor may from time to time, by warrant, signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in council in that behalf, direct the removal of any offender from the central prison to the Provincial reformatory or to the Dominion penitentiary, or from the central prison back to the common gaol, or from the said reformatory to the central prison. 20 25

Wardens and gaolers to deliver up prisoners for removal.

19. The warden of the central prison or reformatory, or the keeper of any common gaol, having the custody of any convict or offender ordered to be removed, shall, when required so to do, deliver up the said convict or offender to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by the said warden, of the sentence and date of conviction of such convict or offender, as given him on the reception of the party into his custody. 30

Record to be kept with view to mitigation of sentence.

20. In order to encourage good behaviour and industry, it shall be lawful for the inspector to make rules so that a correct record of the conduct of every inmate of such prison may be made, with a view to permit such criminal to earn a remission of a portion of the term for which he is sentenced to be confined. 35 40

Conveyance of prisoners to central prison.

21. The sheriff or deputy sheriff of any county, or any bailiff, constable or other officer or person, by his direction, or by direction of the court, or other lawful authority may convey to the central prison any convict sentenced or liable to be imprisoned therein, and deliver him to the warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried, and certified by a judge, or the clerk, or acting clerk of such court. 45

Powers of Sheriff, etc., on that behalf.

22. The sheriff, or other officer or person employed by competent authority to convey any such offender to the central prison, or from one central prison to another, or to or from the provincial reformatory, penitentiary, or common gaol, as hereinbefore provided, may secure and convey him through any 50

county or district through which he may have to pass; and until such offender shall have been delivered to the warden of such central prison, reformatory, or penitentiary, or the keeper of such common gaol, the said sheriff, or other officer or person, shall have in every part of this Province, through which it may be necessary to convey such offender, the same power and authority over and with regard to such offender, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county.

23. The said sheriff, or other officer or person, shall give a receipt to the said warden or gaoler for the said convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender with the said attested copy into the custody of the warden of the central prison, reformatory, penitentiary or common gaol mentioned in the said warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to such sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the central prison, reformatory, penitentiary or common gaol, to which he has been so removed, until the termination of his sentence, or until his pardon, or release, or discharge by law, unless he be in the meantime again removed under competent authority.

Sheriff, etc.,
to give and
take receipt
for prisoners.

24. The warden shall receive into the central prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise discharged in due course of law.

Warden to re-
ceive prisoner
and detain
him.

25. The warden of the central prison shall reside within such prison, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions from time to time duly made by the inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution.

Powers and
duty of war-
den.

26. Every warden, accountant, storekeeper and steward of the central prison shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say:—

To give secu-
rity.

	Amount.
1. The warden in.....	\$8,000
With two sureties in (each).....	4,000
2. The accountant, storekeeper and steward, each.....	4,000
With two sureties (each) in.....	2,000

Which bond shall be filed in the office of the Provincial Secretary and Registrar.

Bond to be
filed.

27. Every warden, officer or servant employed permanently

To take oath

of allegiance
and the follow-
ing oath.

in the central prison, shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:—

Form.

“I (A.B.), do promise and swear (*or affirm*,) that I will faithfully, diligently and justly serve and perform the office and duties of _____ in the central prison of this Province to the best of my ability, and that I will carefully observe and carry out all the regulations of the said prison, so help me God.”

By whom
administered.

Which oath may be administered by the inspector, or, in the case of any other of the said officers, by the Warden.

Warden, &c.,
not to be in-
terested in any
prison con-
tract.

28. No inspector, warden, or other officer or servant employed in any central prison, shall either in his own name, or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions, for the use of any such central prison; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting one thousand dollars, with full costs of suit, to any person who shall sue for the same in any court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province.

Penalty.

Officers not to
be engaged in
any other busi-
ness.

29. No warden, officer or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such central prison; nor shall any such officer buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or visitor, or any other person; nor employ any convict in working for him.

No vessel to
moor within
300 feet with-
out permis-
sion, under
penalty.

30. No raft, boat, vessel or craft of any kind, shall be moored or anchored within three hundred feet of the shore or wharf bounding the lands of such central prison, without the permission of the warden thereof being first had and obtained; and any person violating the provisions of this section shall, upon conviction thereof before a justice of the peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or other craft, in whomsoever the property thereof may be, as well as on the proper goods and chattels of the offender; and in default of the payment of the same with costs of suit, such offender shall be imprisoned at hard labour for any period not exceeding two months.

No liquors,
tobacco, etc.,
to be admitted.

31. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the central prison for the use of any officer or person in the institution, except the warden, or for the use of any convict confined therein (except under the rules of the institution); and any person giving any spirituous or fermented liquors, or tobacco, or snuff, or cigars, to any convict, (except under the rules of the institution,) or conveying the same to any such convict, shall forfeit and pay the sum of forty dollars to the warden, to be by him recovered for the use of the prison, in any court of competent jurisdiction.

32. The female convicts or prisoners shall be kept distinct and secluded from the male convicts, and shall be under the charge of the matron. Females to be kept separate from males.

33. The central prison shall contain not less than 5 penal cells, for the separate and solitary confinement of such prisoners as may have been sentenced to solitary confinement, or for enforcing obedience to the rules and discipline of the said prisons. Cells for solitary confinement.

34. The central prison to be established under the authority of this Act, shall be held to include all the land and real estate procured or acquired under the second and fourteenth sections of this Act; and all buildings and machinery erected or used thereon, and all carriages, wagons, sleighs or other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being the property of such central prison, or employed in its service, and the real property of every such prison, and every other property or description of property belonging thereto, shall be and remain vested in Her Majesty, her heirs and successors, but the warden for the time being shall have the custody and care thereof, under such regulations as may be provided in that behalf, and all such property, real and personal, shall be exempt from taxation for municipal purposes. Property belonging to central prison vested in Her Majesty, exempt from taxation.

35. The inspector of prisons shall be a corporation, sole, known by the name of "The Inspector of Prisons for Ontario," and by that name he and his successors in office shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this Province. Inspector to be a corporation sole.

36. All dealings and transactions on account of the said central prison, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such central prison, or for the hire, labour or employment of any of the prisoners, either within or without the limits of such central prison, shall be entered into and carried out in the corporate name of the said inspector on behalf of Her Majesty. Contracts how to be made.

37. All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the said central prison, shall be considered the property of such prison, and shall remain therein; and the warden of such central prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. Books of account, &c., to remain in each prison. Official reports to be preserved, &c.

38. Whenever the time of any prisoner's sentence in the said central prison shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. Prisoner not to be discharged on a Sunday.

39. No prisoner shall be discharged from such central prison at the termination of his sentence, if then labouring under any Prisoners labouring under certain

diseases not to be discharged till cured.

cutaneous or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such prison until he recovers from such disease or illness; Provided that any convict or prisoner remaining from any such cause in any such central prison, shall be under the same discipline and control 5 as if his sentence were still unexpired.

Escape, etc., punishable according to the rules of the prison.

40. Any escape, prison breach, or attempt to escape by any person confined in or sentenced to any such central prison, shall be punished as may be provided by the rules and regulations of the prison in that behalf. 10

Interpretation.

41. The word "*County*," wherever it occurs in this Act, shall include any union of counties for judicial purposes, the district of Algoma, the territorial district of Muskoka, the temporary district of Nipissing, and any other judicial or territorial division or district that may be formed out of any 15 portion of the unorganized territory in this Province.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to provide for the establishment and Government of a Central Prison for the Province of Ontario.

First Reading, 30th Jan., 1871.

Hon. Atty.-Gen. MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act respecting Asylums for the Insane.

1. The Provincial Lunatic Asylum at Toronto, the Lunatic Asylum at London, and any other public Asylums that may be established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal, belonging thereto shall be vested in the Crown. Certain asylums vested in the crown.
2. Such Asylums shall be called "Asylum for the Insane, Toronto," or "Asylum for the Insane, London," or elsewhere, according to the fact. Designation of asylums.
3. The Lieutenant-Governor may from time to time appoint in each Asylum a Medical Superintendent, and who shall Medical superintendent, appointment and duties of.
- (1.) Direct and control the medical and moral treatment of the patients;
- (2.) Hire and discharge from time to time the attendants and servants;
- (3.) Watch over the internal management, and maintain the discipline and due observance of the by-laws of the institution;
- (4.) Report the condition thereof to the Inspector of public Asylums at each visit;
- (5.) Annually report to the Inspector upon the affairs of the institution, with such suggestions as may in his opinion tend to the improvement of the Asylum.
4. The financial business and affairs of each of the said Asylums shall be conducted by an officer to be appointed from time to time by the Lieutenant-Governor, to be called "The Bursar," who shall The Bursar, appointment and duties of.
- (1.) Report the state of the income and expenditure of the Asylum to the Inspector quarterly, and to the Medical Superintendent monthly;
- (2.) Perform such other duties as may be assigned to him under any rules or regulations in force respecting such Asylum, and in accordance with the direction of the Inspector.
5. No person shall be received into any of the said Asylums as a lunatic, except under an order of the Lieutenant-Governor, without a certificate from three medical practitioners, signed and verified by the reeve of the township or incorporated village, or No person to be admitted into asylum except on a certain order or certificate.

the mayor of the city or incorporated town from which the lunatic may be sent, and in the absence of the reeve or mayor, by the deputy or other person for the time being authorized to act in the place of the reeve or mayor.

Certificate for admission, nature of.

6. Such certificate shall state that the inspecting medical practitioners at the same time, and in the presence of each other, examined the patient, and after due enquiry into all necessary facts relating to his case, found him to be a lunatic. 5

Certificate for admission, effect of.

7. Such certificate shall be a sufficient authority to any person to convey the lunatic to any of the said Asylums, and to the authorities thereof to detain him therein so long as he continues to be insane. 10

Order for removal.

8. An order for the removal of any insane person, imprisoned or confined under any warrant or order of a justice of the peace, may be made by the Lieutenant-Governor, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined. 15

Copy of certificate of admission, and of amounts required for maintenance to be sent to parents, etc.

9. When any lunatic sent to any Asylum shall be under the age of twenty-one years, and shall have a father or mother able to pay for his maintenance, or shall have a guardian or committee, it shall be the duty of the Bursar and Medical Superintendent to send a copy of the certificate mentioned in the fifth section, or of the order of the Lieutenant-Governor (as the case may be), attested under their hands, to the father or mother, guardian or committee (as the case may be), of such lunatic, to which copy the said Medical Superintendent and Bursar shall subscribe a certificate of the admission of such lunatic, and of the amount which will become due for him per quarter to the Asylum, by the regulations of the Asylum made in that behalf. 20 25 30

Liability to pay for maintenance of lunatic.

10. That it shall be lawful for the Bursar conjointly with the Medical Superintendent, on the first day of each of the months of January, April, July and October, and during the time the lunatic shall remain in the Asylum, to demand from the father or mother, guardian or committee (as the case may be), of such lunatic, such sum as may be due for such lunatic to the Asylum, which sum shall be forthwith paid on such demand. 35

Proportion for broken periods of a quarter.

11. On the first of the said quarter days after the admission of the lunatic, such demand shall be for a sum proportionate to the broken period elapsed since the admission of the lunatic, and on the discharge of the lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day. 40

Order for payment for maintenance.

12. In case of refusal or neglect to pay the same, the said Bursar may apply to the county judge of the county in which such father or mother, guardian or committee may reside, upon affidavit, and the said judge, on the return of a rule, which he shall make upon the proper party, to shew cause, being satisfied that the father or mother of the lunatic is able to pay for his maintenance as aforesaid, or that such guardian or committee is able to pay for the same out of property in his possession belonging to such lunatic, the said Bursar shall be entitled to an order 45 50

for the payment of the amount then due and the costs, and a writ of execution may issue thereon in like manner as upon a judgment of the said court for such amount.

13. The said judge, after hearing the parties and their witnesses under oath, either orally or in writing by affidavit, may make the order herein referred to, or, if he shall think fit, direct an issue to be made up and tried before a jury previous to making such order. Judge may make an order for maintenance or direct an issue.

14. If any lunatic upon or at any time after his admission into any Asylum, shall possess or become possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the Asylum or any part thereof can be paid, and he shall have no guardian or committee lawfully appointed to take the care or management of the same for the benefit of the lunatic, then if any sum due for the maintenance of the lunatic in the Asylum be not paid on demand, or there be no one of whom it can be demanded, and such property shall, in the opinion of the Inspector, be more than sufficient or be not required to maintain the family (if any) of such lunatic, it shall be lawful for such Inspector to take possession of such property, or so much thereof as he may think necessary to pay or to secure the payment of the sum due or to become due, for the support and maintenance of the lunatic in the Asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of such lunatic, or as his committee under this Act, as fully and effectually to all intents and purposes as such lunatic could or might do, if of full age and of sound and disposing mind. When property of a lunatic may be taken possession of to pay for maintenance.

15. The Inspector and his successors in office shall by virtue of this Act be *ex-officio* and by his name of office as "Inspector of Public Asylums" the committee of such lunatic; but nothing herein contained shall prevent the Court of Chancery appointing another committee to such lunatic, if such Court shall consider it expedient so to do, and upon such other committee being appointed the said Inspector shall while such other committee exercises such office cease to be the committee of the said lunatic, but the said Inspector upon delivering up the said lunatic's estate shall retain so much thereof as may be required to pay any sums that may be then due for maintenance. The inspector to be ex-officio committee of a lunatic. Powers of Court of Chancery.

16. If such Inspector consider it necessary in order to secure the payment of the maintenance of such lunatic, or for the interest of the estate of the said lunatic so to do, he may exercise the powers in the fourteenth section given or any of them, although no sum is over due for such maintenance. Inspector may sell property, though nothing due for maintenance.

17. Before any sale and conveyance of any real property of such lunatic, the Inspector shall report the case with the terms of the proposed sale to the county judge of the county within which the property is situate for his approval, and such sale and conveyance so approved, shall be valid and binding upon the lunatic and his heirs. Real property how to be sold.

18. The Inspector shall be liable to render an account as to the manner in which he shall have managed the property and effects of such lunatic in the same way and subject to the same Inspector to render accounts.

responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account; but he shall only be liable for wilful misconduct.

Disputes as to property, how settled. **19.** In all cases mentioned in the five next preceding sections, if doubt or opposition arise as to the right of property, it shall be lawful for the Inspector or the person claiming the property, to apply to the county judge of the county in which such property shall be to cause an inquisition to be held before such county judge, and to try and determine either by himself, or by a jury when required by either party but not otherwise, the right of property; which such judge shall accordingly do. 5 10

Monies in Court of Chancery may be paid to Bursar. **20.** The Court of Chancery shall upon any application made therefor by the Inspector, direct to be paid to such Bursar from time to time, out of any funds or moneys which may be in such court, belonging to such lunatic, the amount payable in respect to charges for maintenance of such lunatic. 15

Expenses of removal from gaol. **21.** The expenses of conveying any destitute lunatic, from any common gaol, to an asylum, shall be paid by the county from which such lunatic is removed.

Inspector may make special order as to comfort of lunatic. **22.** In case the insanity of any lunatic, confined in any of such asylums, is of such a nature, and he is possessed of such property, real or personal, as would in the opinion of the Medical Superintendent justify the supply to such lunatic of greater comfort and attention than are supplied under the ordinary regulations of the asylum, it shall be lawful for the Inspector to make any specific regulation, in respect thereto, as he may deem fitting. 20 25

Salary to superintendent and Bursar. **23.** The Lieutenant-Governor of this Province may fix the salaries of the Medical Superintendent, not to exceed ; and of the Bursar, not to exceed ; and the same shall be payable out of any funds appropriated to the support of the said Asylum. 30

Interpretation of words. **24.** The word "father" in this Act shall include any husband of the mother of a lunatic, and the word "mother" shall include any wife of the husband of a lunatic; Provided in either case that the birth of such lunatic be legitimate; the word "inspector" shall mean the inspector appointed under 30th Vic., cap. 21, or under any other Act which may be substituted therefor; the word "lunatic" shall mean any insane person, whether found so by inquisition or not. 35 40

Con. Stat. U C. 71 repealed. **25.** Chapter seventy-one of the Consolidated Statutes for Upper Canada is hereby repealed.

An Act for the prevention of Corrupt Practices at Municipal Elections.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts as follows :

1. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :

Certain person to be deemed guilty of bribery,

5

(1.) Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration, or promise or endeavour to procure any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting at a municipal election or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election ;

Giving money, &c., to voters.

15 (2.) Every person who shall, directly or indirectly, by himself or by any other person or his behalf, give or procure, or agree to give or procure or offer or promise, any office, place or employment, or promise to procure or to endeavour to procure any office, place or employment to or for any voter or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any municipal election ;

Procuring offices, &c., for or to voters.

25 (3.) Every person who shall, directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in any municipal council, or the vote of any voter at any municipal election :

Or to or for persons who can influence voters.

30 (4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person to serve in any municipal council, or the vote of any voter at any election ;

Corruptly influencing voters.

35 (5.) Every person who shall advance or pay or cause to be paid any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be

Advancing or paying money for bribery purposes.

paid any money to any person in discharge or re-payment of any money wholly or in part expended in bribery at any such election;

Offence to be a misdemeanour.

Penalty.

Proviso.

(6.) And any person so offending shall incur a penalty of fifty dollars; Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertizing, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 10

Certain acts by voters to be bribery.

2. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :

Contracting to vote for money, &c.

(1.) Every voter who shall, before or during any municipal election, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or or refraining or agreeing to refrain from voting at any such election; 15

Receiving money to vote, &c.

(2.) Every person who shall, after any such election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election; 20

Penalty on bribers.

(3.) Any person so offending shall incur a penalty of fifty dollars. 25

Party elected proved guilty of bribery election void, etc., Incapacity.

3. If any person elected or returned to a municipal council is proved guilty before any county or division court judge of using any of the above means to procure his election, his election shall thereby be declared void, and he shall be incapable of being a candidate or being elected to any municipal council, or of voting at any election during the next succeeding five years. 30

Votes corruptly given to be struck off the Poll Book.

4. Upon its being proved before any county or division court judge, at the trial of any contested election, that any elector voting at the said election was bribed, his vote shall be null and void, and he shall be disqualified from voting for the next five years. 35

Hiring vehicles to convey voters to polls, etc., to be illegal.

5. And whereas doubts may arise as to whether the hiring of teams and vehicles to convey electors to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring or promising to pay, or paying for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey voters to or near or from the poll, or from the neighbourhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any voter in going to or returning from any election, shall be illegal acts, and the person so offending shall thereby incur a penalty of twenty dollars; and any elector who shall hire any horse, cab, cart, waggon, sleigh, carriage or other conveyance to any candidate or to any 40 45 50

And in electors as well as candidates.

agent of a candidate, for the purpose of conveying electors to or from the polling place or places, shall *ipso facto* be disqualified from voting at such election, and for every such offence shall incur a penalty of twenty dollars.

- 5 6. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten the infliction by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner
 10 practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent or otherwise
 15 interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and
 shall incur a penalty of fifty dollars.

Persons using violence or intimidation at elections to be guilty of undue influence.

- 20 7. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any court, or before any judge, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to
 25 such question will tend to criminate such person ; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the judge
 30 shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers, to the satisfaction of the judge.

Persons not excused from answering in court on the ground that answers may criminate them.

8. Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon any
 35 election under this Act, even for the payment of lawful expenses, or the doing of some lawful Act, shall be void in law ; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such election.

Contracts arising out of elections to be void.

9. Every person who is convicted of any offence under this Act, or who aids, abets, counsels or procures the commission of any violation of this Act, shall incur a penalty of fifty dollars,
 40 and be disqualified from voting for the next succeeding five years.

Abettors punishable as principals.

10. All penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in any division court having jurisdiction in
 45 the place where the election is held, and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by such court, such offender shall be disqualified from voting at any municipal election in this Province until he has paid the amount which he has been so condemned to pay, and the costs ;

How penalties under this Act shall be recoverable.

Payment thereof how enforced.

- 50 11. It shall be sufficient for the plaintiff in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and

What it shall be sufficient to state in the declaration.

to allege the particular offence for which the action or suit is brought, and that the defendant had acted contrary to this Act.

Plaintiffs to
be exempt
from penalties.

12. Every plaintiff suing in a cause of action growing out of this Act, who brings the case to trial, shall be exempt from any penalty under this Act in respect to the transaction in question; 5
Provided no suit had been commenced against him in respect thereof previously to the commencement of his suit.

Oath to be
taken by mun-
icipal electors.

13. The following shall be added to the oath required of an elector at a municipal election; "And that I have not paid any money or valuable consideration, either directly or indirectly, 10
nor will I pay any money or other consideration, directly or indirectly, to any voter for voting or for refraining to vote at this election, nor will I employ, or cause to be employed, any one else to do so.

Copy of this
Act to be post-
ed previous to
elections.

14. It shall be the duty of the returning officer to post up 15
or cause to be posted up in a conspicuous place, at each ward or polling division at every municipal election, a copy of this Act.

Witnesses.

15. All parties, both prosecutor and defendant, shall be com-
petent witnesses for the purposes of this Act. 20

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act for the Prevention of Corrupt
Practices at Municipal Elections.

First Reading, 31st Jan., 1871.

Mr. ANDERSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

No. 125.]

BILL

[1871.

An Act to provide for the appointment of Judicial Officers, to whom Estate Bills may be referred.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Lieutenant-Governor in Council may from time to time issue commissions to the Judges of the Superior Courts of Law and Equity, empowering them, or any two of them, to report under the Rules and Orders of the Legislative Assembly to the Assembly in respect of any estate bills or petitions for estate bills which may be submitted to the Assembly.
- The Lieutenant-Governor may refer estate bills and petitions to the Judges of the Superior Courts.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to provide for the appointment of
Judicial Officers to whom Estate Bills
may be referred.

First Reading, 1st Feb., 1871.

MR. BLAKE.

TORONTO:

PRINTED BY HURTER, ROSE & CO.

An Act to amend the Ontario Drainage Act.

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one of the Act, chaptered two, passed in the thirty- 32 V., c. 2,
5 third year of Her Majesty's Reign, is hereby amended by add- s. 1 amended.
ing thereto the following words; which shall be read as part
thereof; "Provided always that any parcel or lot of land, that
may be charged for any drainage or improvements as herein
provided may be drained by any lateral drains thereon, or
10 otherwise, and any drain to be constructed under this Act may
be used as an outlet for such drainage without further charge
therefor."

2. Section three of the said Act is hereby amended by 32 V., c. 2,
inserting after the word "payments" therein the words "but s. 3 amended.
15 not including expenses of preliminary surveys."

3. The following shall be added to the said Act and read as
section fifteen thereof;

15. "The proprietor of any parcel or lot of land, and the ^{Power to}
Municipal Council interested in any Road, charged under this ^{commute}
20 Act, having paid all arrears of the rent-charge, if any, may at ^{rent charge.}
any time, to discharge the rent charged thereon under this
Act, pay, by way of commutation, a sum equivalent to the
principal sum charged and exclusive of future interest includ-
ed in such rent-charge; in computation whereof, it shall be
25 taken that such rent charge was originally composed of the
principal sum payable in respect of such parcel or lot of land
or Road with interest added thereto, at the rate of five per cen-
tum per annum, and that such principal and interest together
was made payable as by the said rent-charge it is payable: And
30 any sum to be paid by way of commutation shall be paid to the
Treasurer of Ontario, who on payment thereof, shall give a re-
ceipt therefor in writing under his hand expressing the property
charged, and that the sum paid is in satisfaction and discharge
of the rent charged on such property under this Act, provided
35 he be satisfied that the property is identical with that charged
with the rent to be commuted, and that all arrears have been
paid; and such receipt shall be a discharge of such rent-charge.
All such sums shall be entered by the said Treasurer, and may
be applied in like manner as monies received by him under the
40 twelfth section."

4. The following shall be added to the said Act and read as
section sixteen thereof.

Roads of municipalities made liable.

16. "The Municipal Council of any Township or County or Union of Townships or Counties whose Roads may be benefited by the drainage or improvements referred to in this Act, or the works incidental thereto, and such Roads, shall be deemed to be within its provisions, and the rent with which any such Council or Road may be charged, shall, as it falls due, or such sum as may be paid by way of commutation thereof, be paid by the Council to the Treasurer of Ontario, who shall enter the same, and the same may be applied in like manner as monies received by him under the twelfth section."

Scale of plan.

5. So far only as regards the said Act and the incorporation therein of the provisions of section thirty-nine of the Act passed in the thirty-second year of the Reign of Her Majesty chaptered twenty-eight it shall be sufficient that the plan or map in said section thirty-nine referred to, be on a scale of not less than forty chains to an inch.

No. 126.

4th Session, 1st Parliament, 34 Vic., 1871.

BILL.

An Act to amend the Ontario Drainage Act.

First Reading, 2nd February, 1871.

Hon. Mr. CARLING.

TORONTO:

An Act to amend the Agricultural and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section ten of the Act, passed in the thirty-first 31 V., c. 29,
5 year of Her Majesty's reign, chaptered twenty-nine, be amended, s. 10 amended.
ded, by inserting after the words "association" and before the
word "and," in the sixth line of said section, the words "The
Entomological Society."

2. That section sixteen of said Act be repealed, and that S. 16 amended.
10 the following be substituted instead thereof:—

"The retiring members of the council may continue to ex- Retiring mem-
ercise all their functions until their successors have been ap- bers.
pointed, and such retiring members shall, in all cases, be eligible
for re-election; and the secretary of the association shall send
15 a list of the names of the retiring members to the secretary of
each county or electoral division society, on or before the first
day of December in each year."

3. That sub-section five of section nineteen of said Act be S. 19, sub-s. 5
repealed, and that the following be substituted instead thereof, amended.
20 as sub-sections five and six:—

*(5.) "The Council may establish a Veterinary College for the Power to esta-
instruction of pupils, by competent and approved teachers, in blish Veterin-
the science and practice of the veterinary art, and pass by- ary College.
laws and adopt measures for the examination of such pupils in
25 Anatomy, Physiology, Materia Medica, and Chemistry, and in
breeding the domesticated animals: and, upon proof, to the
satisfaction of the council, that they possess the requisite quali-
fications, may grant diplomas, certifying that they are com-
petent to practice as veterinary surgeons."

30 (6.) "Veterinary practitioners holding such diplomas shall be Veterinary
entitled to professional fees, in attending any Court of law as practioners.
witnesses in such cases as relate to the profession; and no person
who does not possess a diploma or proper certificate from some
duly authorized Veterinary College, within or without this
35 province, shall append to his name the term Veterinary Surgeon,
nor any abbreviation thereof."

S. 21 amended. 4. That section twenty-one of said Act be amended, by substituting the word "April" for "July," in the second line.

S. 21 amended. 5. That the following be added as sub-section six of section twenty-one of said Act:—

Council to
report as to
exhibition.

6. "Within thirty days after the annual meeting of the association, the council of the association shall cause to be presented to the commissioner a report of the exhibition just closed, containing such information as the council may have been enabled to obtain of the progress made in the respective departments of the exhibition, as compared with the exhibitions of previous years."

S. 25 amended. 6. That section twenty-five of said Act be repealed, and that the following be substituted instead thereof:—

Aid to Mechanics
Institutes.

"Any mechanics institute incorporated under chapter seventy-two of the Consolidated Statutes of Canada, or by a special Act of Incorporation, having evening classes organized for the imparting of practical instruction to its pupils, or having established a library of books on one or more of the following subjects, namely:—Mechanics, Manufactures, Agriculture and Horticulture, Science, the Fine and Decorative Arts, History and Travels, shall be entitled to receive, from unappropriated moneys in the hands of the Treasurer of the Province, for the purpose of aiding in such class instruction or library, or both, a sum not to exceed four hundred dollars in any one year: Provided that a sum equal to one half the amount to be so paid by the Government is locally contributed or appropriated, or has been expended by such Institute, during the current year for such specific object or objects; And provided, also, that the amount of such local contribution or appropriation shall be attested by an affidavit made by the Secretary of such Institute as may apply for aid (which affidavit may be in form of schedule D to this Act annexed), not later than the first day of December in each year."

Institute to
pay over 5 per
cent of aid,
and furnish
copy of report.

(1.) Each Institute so receiving aid, shall contribute and pay over to the treasurer of the "Association of Mechanics' Institutes of Ontario," five per centum thereof; and such Institute shall also cause to be forwarded to the Commissioner of Agriculture, not later than the first day of July, of each year, a properly certified copy of its annual report for the year in which such aid has been granted, in which shall be shown, upon schedules to be furnished by the commissioner, that the specified contribution, appropriation, or expenditure, and also the legislative aid received by such institute, for that year, has been disbursed in accordance with the foregoing provisions of this section.

S. 32, sub-s. 1
amended.

7. That section thirty-two, sub-section one, of said Act, be amended by substituting the words "five hundred" for "three hundred and fifty," in the third line of said sub-section.

S. 33 and sub-
s. 1, and s. 32
amended.

8. That section thirty-three, and sub-section one, of section thirty-three, of said Act, be amended in their numbering, so as to read as sub-sections two and three of sections thirty-two.

9. That the following new section and sub-section read as S. 33 amended. and be section thirty-three of said Act :

“The Society now existing and known as the ‘Entomological Society of Canada,’ may organize and form themselves into
 5 a society, comprising not less than twenty-five members, and paying an annual subscription of not less than one dollar each, to be known as “The Entomological Society of Ontario,” and shall have power to adopt a constitution, and make by-laws for the admission of members, and for its guidance and proper
 10 management and the promotion of any objects consistent with the study of Entomology, and its practical bearing upon the agricultural and horticultural interests of the Province of Ontario, and not inconsistent with the laws of the Province ; and on filing a copy of such constitution and by-laws with the com-
 15 mission of agriculture, such society shall become a body corporate under this Act.

Entomological Society, powers to, and incorporation of.

(1.) And such society shall be entitled to receive, from un- Aid to Society. appropriated moneys in the hands of the treasurer of the Province, a sum not to exceed five hundred dollars, in any one
 20 year :

(2.) The said society shall hold an annual meeting at the place, and during the same time as the Exhibition of the Agricultural and Arts Association is being held, in each and every
 year ; and shall, at such meeting, present a full report of its pro-
 25 ceedings, and a detailed statement of its receipts and expenditure for the previous year, and shall, at such meeting, elect a President, Vice-President, Secretary and Treasurer, (or a Secretary Treasurer), and not fewer than three, nor more than five Directors ; and they shall also elect two Auditors :

Meetings and election of officers, &c.

(3.) A copy of the annual report of its proceedings, and a
 30 list of the office-bearers elected, and also a report of such information as the society may have been able to obtain on the subject of insects beneficial or injurious to the farm and the garden, with such appropriate illustrations as the society may
 35 have been able to obtain, shall be sent to the Commissioner of Agriculture within thirty days after the holding of such annual meeting.

Reports of proceedings, &c.

10. That section thirty-seven of said Act be amended, by adding after the word “year,” and before the word “and,” in
 40 the third line, the following words :—

S. 37 amended.

“Of which at least one week previous notice shall have been given, either by advertisement in a newspaper, published in the county, and by placards or by circulars sent to the members ;”

11. That sub-section one of section forty-two of said Act
 45 be amended, by adding thereto, at the end of said sub-section, the following words :—

S. 42, sub-s. 1 amended.

“Towns or villages not in themselves separate electoral
 divisions, shall, for the purposes of this Act, be and be deemed
 to be a part of the township in which such town or village is
 50 situate.”

Towns and Villages.

12. That sub-section one of section forty-five of said Act be
 amended, by substituting for the words, “and township socie-
 amended, S. 45, sub-s. 1

ties," in the first line, the words "societies, or a county society, and any township society or societies within the same electoral division; or of any two or more township societies within the same electoral division."

S. 45, sub-s. 2 amended. **13.** That sub-section two of section forty-five of said Act be 5 repealed, and the following substituted instead thereof:—

Township Societies.

"The exhibitions of any township society (if not united with any other society) shall be held in said township, and at such place as shall afford sufficient accommodation for such exhibition; but no separate township show shall be held within 10 seven miles of the place at which the county show is held for any year, in the same township; but the township society may unite with the county society, and may merge their funds with those of the county society for that year, and, if so merged, the members of such township society shall be entitled to all the 15 privileges of members of the county society at the show; And the directors of such township society shall be co-directors with the directors of the county society, for the conducting and management of such show. The provisions of this section shall not extend to horticultural societies] organized under section 20 twenty-six."

S. 46 amended. **14.** That section forty-six of said Act be amended, by substituting the word "September" for "July," in the fifth line of said section.

S. 47, sub-s. 1 amended. **15.** That sub-section one of section forty-seven of said Act 25 be amended, by striking out all the words commencing with "except," in the fourth line, and ending with the word "subscribed," in the fifth line.

S. 48 amended. **16.** That section forty-eight of the said Act be amended, by substituting the word "August" for the word "June," in the 30 fourteenth line of said section.

S. 48, sub-s. 3 amended. **17.** That sub-section three of said section forty-eight be also amended, by inserting after the word "persons," and before the word "who," in the first line, the words "not under eighteen years of age," and by adding at the end of said sub- 35 section three, the words "no membership subscriptions for the ensuing year, paid after the president or presiding officer shall have declared the poll open for the election of officers and directors, shall entitle any member to vote for such officers and directors, nor shall any votes be received later than two hours 40 after the opening of such poll, nor after the lapse of fifteen minutes from the time of recording the last previous vote."

S. 48 amended. **18.** That the following be also added as sub-sections five and six of section forty-eight:—

Office-bearers, qualification of.

(5.) All office-bearers of county and township agricultural 45 societies, and of horticultural societies, shall be rate-payers and residents in the municipality which such society represents; but the membership of any such society may extend to other municipalities.

Delegates to furnish certificates.

(6.) Each and every delegate from a society or institute, to 50 any association or council of an association, under this Act,

whether he be such by virtue of his office, or has been appointed thereto, by a special resolution, shall, at the annual (or first) meeting of such association or council for that year, furnish a certificate, signed by the president and secretary, and sealed with the seal of the society or institute he professes to represent, showing that he has been duly appointed a delegate of such society or institute; and such certificate may be in form of schedule F to this Act annexed.

19. That section fifty-one of said Act be amended by adding thereto the following, as sub-sections one and two:—

(1.) "And any township society, and town or village municipality, that may have, prior to the passing of this Act, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, lease, or otherwise dispose of the same." Powers as to lands.

(2.) "And any society duly organized at any time subsequent to the passing of the Act hereby amended, shall have all the rights and privileges accorded by this section to societies organized prior to the passing of said Act."

20. That section fifty-five of said Act be amended by adding thereto, at the end of said section, the following words:—

"Or within any adjoining municipality; and any such grants heretofore made, or executed, shall be held to be and to have been legally made or executed."

21. That no sale or conveyance of land by any county or township agricultural society, heretofore made or executed, shall be void or voidable by reason only of the absence of provisions in the said Act, empowering any such society duly organized subsequent to the passing of the said Act, to sell or convey the same. Certain sales not to be avoided.

22. That schedule D of the said Act is hereby repealed, and the following substituted in lieu thereof: Schedule D repealed and amended.

SCHEDULE D.

COUNTY OF _____ } I., A. B., of
To Wit: } Secretary of the _____ Mechanics'
Institute, make oath and say that the sum of _____ has
been contributed, appropriated, or expended, for the special
object of evening class instruction, or for the purchase of
books for its library or for both these objects, for the current
year; as provided for, and on the conditions named in section
twenty-five of the Act relating thereto.

Sworn before me, this _____ day of _____, A.D., 187 _____.
C. D. } A. B.
Justice of the Peace for the Co. of _____

23. That the following be added as schedule F of said Act:—

SCHEDULE F.

We, the president and secretary of the county Agricultural Society (or Horticultural Society), Mechanics Institute or other society, as the case may be, of the county (city or town) of _____, hereby certify that _____ president (or other officer, as the case may be) of the said society (or institute), has been duly appointed by the said society (or institute) to represent it at the approaching annual (or other) meeting of the Agricultural and Arts (or other) Association, of Ontario, at _____ in _____ next.

President.

Secretary.



(Date)

18

This Act to
be part of
amended Act.

24. This Act shall be read as part of the Act hereby amended.

4th Session, 1st Parliament, 34 Victoria, 1871.

No. 127.

BILL.

An Act to amend the Agricultural and Arts Act.

First Reading, 2nd February, 1871.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co., KING ST.

An Act relating to Unpatented Lands sold for Taxes.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Whenever the proper officer or officers having by law the power or authority to make or execute deeds on sales of lands for taxes shall heretofore have made or executed, or shall hereafter make or execute any deed purporting to grant, sell or convey any land or portion of land, the fee of which is in Her Majesty or purporting to grant, sell or convey the interest therein of any lessee, licensee, locatee or purchaser from the crown, and such deed shall recite or purport to be based upon a sale for taxes of such land or interest; The Commissioner of Crown Lands may act upon and treat such deed for all purposes as a valid transfer of all the right and interest of the lessee, licensee, locatee or purchaser from the crown, and of every person claiming under him, in, or to such land or portion of land to the grantee or purchaser named in such deed, unless such deed shall be questioned before a court of competent jurisdiction by some person interested in such land within three months after the passing of this Act, when such deed was executed before the passing of this Act, or within three months after the making of such deed, when such deed shall be made after the passing of this Act, and unless notice of such deed being so questioned, shall within the respective times aforesaid be given to The Commissioner of Crown Lands.

Deeds executed by the proper officers for sales of lands for taxes may be acted upon by the commissioner of crown lands.

2. Nothing in this act contained shall interfere with the authority of the Commissioner of Crown Lands under "The Public Lands Act of 1860," to cancel the original sale, grant, location, lease or license of occupation of any such land.

This act not to affect the power of the commissioner to cancel original sales.

No. 128.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act relating to Unpatented Lands sold
for Taxes.

First Reading, 6th February, 1871.

Hon. Mr. RICHARDS.

TORONTO :
PRINTED BY HUNTER, ROSE & Co., KING ST.

No. 129.]

BILL.

[1871.

An Act to amend the Act intituled "An Act respecting Registrars, Registry Offices and the Registration of Instruments relating to lands in Ontario."

WHEREAS it is expedient to amend the Act passed in the thirty-first year of the reign of Her Majesty and chaptered twenty; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of
5 Ontario, enacts as follows:—

Every Deed executed prior to the passing of the said Act, affecting lands situate in more than one county in the Province of Ontario, and of which said Deed no memorial has been executed, the same may be recorded in any one of the counties in
10 which some of the lands are situate, upon proof made in accordance with the said Act, and in the other counties by deposit of a copy of every such deed and proof certified as is provided with respect to powers of attorney in section forty-seven of the said Act.

Registration
of deeds containing lands
situate in more
than one county and of
which no
memorial has
been executed.

No. 129.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act intituled "An Act respecting Registrars, Registry Offices and the Registration of Instruments relating to lands in Ontario."

First Reading, 6th February, 1871.

MR. LOUNT.

An Act to Amend the Act respecting Estreats.

WHEREAS it is advisable to extend the provisions of Chapter one hundred and seventeen of the Consolidated Statutes for Upper Canada, so as to allow the enforcement of fines and forfeitures in counties other than those in which the courts
5 in respect to which such fines or forfeitures have been incurred are held : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- In case it shall be made to appear to any Judge of the
10 Superior Courts (or to the Chairman of the General Sessions of the Peace, in cases arising at such Sessions) that it is expedient that a writ of *feri facias* and *capias* should be issued directed to any Sheriff or Sheriffs, other than the Sheriff of the county in which the court was held, against any party or parties in respect to
15 any fine or forfeiture, he may direct that one or more writs should issue in form similar to the form to the said Act annexed, and the same shall be an authority to the Sheriff to whom any such writ is directed, to take such proceedings as the Sheriff of the county in which the said Court was held might have taken
20 under a writ issued under section two or four of the said Act.

Issue of writs
to the sheriffs
of counties
other than the
county in
which the
court was held.

4th Session, 1st Parliament, 34 Vic., 1871.

BILL.

An Act to Amend the Act respecting Es-
tates.

First Reading, 6th February, 1871.

Hon. Attorney-General Macdonald.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to disqualify certain persons from being elected or serving as Members of the Legislative Assembly of Ontario.

WHEREAS it is necessary to make provision by law the more effectually to secure the independence of Parliament by disqualifying certain persons from being elected and serving as Members of the Legislative Assembly of Ontario:

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No Member of the Senate or House of Commons of Canada shall be eligible to be elected, or capable of sitting or voting, as a Member of the Legislative Assembly of Ontario. Members of the Senate or House of Commons ineligible.

2. That it shall be unlawful for any Member of the Legislative Assembly of the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edwards Island, Newfoundland,, Manitoba or any other of the Territories or Provinces of British America Members of the Provincial Legislative Assemblies ineligible.

15 to be elected or to sit and vote in the Legislative Assembly of the Province of Ontario.

3. Any person declared ineligible under this Act, who is nevertheless elected and returned as a Member of the Legislative Assembly of Ontario, his said election shall be null and void and his seat shall be vacant, and a new writ shall forthwith issue for the election and return of a duly qualified member in his place. Persons ineligible elected, their election to be void.

4. Any person who is under this Act disqualified or declared to be ineligible to be elected to sit or vote as a Member of the Legislative Assembly of Ontario, who permits or allows himself to be elected, or sits or votes in the said Legislative Assembly as a Member thereof, shall forfeit to Her Majesty the sum of two hundred dollars of lawful money of Canada for each day he so sits, acts or votes as such member thereof. The said penalty may be recovered by any person by a civil action, in any court of competent jurisdiction in the Province of Ontario, with all lawful costs of suit. Penalty to be paid by persons ineligible if they sit or vote as Members.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to disqualify certain persons from
being elected or serving as Members of
the Legislative Assembly of Ontario.

First Reading, 8th February, 1871.

Mr. McCALL.

TORONTO :

PRINTED BY HUNTER, ROSE & CO., KING ST.

An Act to provide a Property Qualification for Members serving in the Legislative Assembly of Ontario.

WHEREAS it is necessary, for the better protection and security of the general interest, that members elected to represent the people in the Legislative Assembly of Ontario should possess a property qualification: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. No person shall be eligible or qualified to be elected a member of the Legislative Assembly of Ontario unless he shall be then seized in his own right, at law or in equity, of a freehold for his own use and benefit, of lands or tenements in the Province of Ontario, of the actual value of two thousand dollars, over and above all incumbrances, nor unless he shall, if required by any candidate or elector, make the following declaration in writing, and place the same in the hands of the returning officer at or before the day of nomination :

Qualification of members of the Legislative Assembly.

Declaration to be made by members.

I, A. B., do declare and testify that I am seized in my own right at law or equity, as of freehold, for my own use and benefit, of lands and tenements in the Province of Ontario, composed of (*here particularly describe the property*), of the actual value of two thousand dollars, over and above all incumbrances affecting the same; that I have not collusively or colourably obtained a title to, or become possessed of, the said lands or tenements, or any part thereof, for the purpose of qualifying or enabling me to be returned a member of the Legislative Assembly of the Province of Ontario.

No. 132.

4th Session, 1st Parliament, 34 Vic., 1871.

BILL.

An Act to provide a Property Qualification
for Members serving in the Legislative
Assembly of Ontario.

First Reading, 8th February, 1871.

Mr. McCALL.

TORONTO:

An Act in aid of Railways.

WHEREAS it is expedient to give aid towards the construction of railways leading to or through sections of the country remote from existing thoroughfares, or passing through thinly-settled tracts, or leading to the Free Grant Territory, or to the inland waters; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purposes aforesaid the sum of one million five hundred thousand dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and form a fund to be designated and known as the "Railway Fund."

"Railway Fund" formed from Consolidated Revenue Fund.

2. From and out of the said Railway Fund the Lieutenant-Governor in Council may, by order in Council, authorize payments to be made from time to time to any incorporated railway company of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such railway, and that any of such payments may be made after the Commissioner of Agriculture and Public Works shall have reported, for the information of the Lieutenant-Governor in Council, that such company has completed such portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road named in the Act or Acts relating thereto; provided, that no payment shall be made under any such authority till the said Commissioner shall have reported as aforesaid.

Lieutenant-Governor in Council may grant aid to certain railways.

3. No such authority shall be given in respect of any portion of a railway for the construction of which a contract has been entered into prior to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, nor until the company desirous of obtaining aid and payment out of the said Railway Fund, shall have furnished proof, to the satisfaction of the Lieutenant-Governor in Council, that the *bona fide* subscribed capital of the company, together with any bonuses or loans by municipal corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, shall be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for completion of the railway; and that any such Act or Acts authorizes the construction of a railway as referred to in the preamble of this Act.

Proof to be furnished by railway asking aid.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act in aid of Railways.

First Reading, 10th February, 1871.

Hon. Attorney-General MACDONALD

TORONTO :

PRINTED BY HUNTER, ROSE & Co, KING ST.

No. 134.]

BILL

[1871.

An Act to facilitate the business of the Superior Courts.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. That it shall be lawful for the Chief Justice of Appeal, (if
5 he shall find it convenient,) to sit in the Court of Queen's Bench, Chancery or Common Pleas, and for any one of the Judges of the said last mentioned three Courts, (if he shall
10 find it convenient,) to sit in either of the said other Courts, upon the request of the Judges or Judge with or for whom he shall be so requested to sit; and the said Chief Justice or other Judge so requested shall while so sitting have all the powers and authority of a Judge of the Court in which he shall be so sitting.

Chief Justice of Appeal or any superior Court Judge may sit in any superior Court.

No. 134.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to facilitate the business of the
Superior Courts.

First Reading, 13th Feb, 1871.

Hon. Atty-Gen. MACDONALD.

TORONTO:
PRINTED BY HUNTER, ROSE & Co.

An Act relative to Government Road allowances and the granting of Crown Timber Licenses therefor.

WHEREAS various Government allowances for roads have from time to time been included in Crown Timber Licenses granted under section one of chapter twenty-three of the Consolidated Statutes of Canada, and it is expedient to confirm such Licenses and to authorize the including of such allowances in Licenses to be hereafter granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Every Government road allowance included in any Crown Timber License, heretofore granted, or which may hereafter be granted, under section one, of chapter twenty-three of the Consolidated Statutes of Canada shall be deemed and taken to be, and to have been ungranted lands of the Crown, within the meaning of that section, and liable as such to be included in such license.

Government Road allowances to be deemed as ungranted lands.

2. The Licensee or nominee named in any such License shall be deemed and taken to have, and to have had, all the rights in respect of any such Road allowance, and the trees, timber and lumber thereon, or cut thereon, as by the second section of said chapter twenty-three, were or are conferred upon him in respect of any other Crown Lands embraced in such license, and the trees, timber, and lumber thereon, or cut thereon, except that he shall not be entitled to take or keep exclusive possession of any such road allowance.

Rights of License.

3. No By-law passed, or to be passed by any Municipal Council for preserving, selling, or otherwise appropriating or disposing of the timber or trees, or any part thereof, on any Government Road allowance or allowances included in any such license, shall be deemed, or taken to have had or have any force or effect against any such license.

By-laws not to prevail against license.

4. In case the Council of any Township, organized as a separate Municipality, or the Council of any united Townships, have passed, or shall hereafter pass, any By-law for preserving or selling the timber or trees on the Government Road allowances within such Township, or within the senior Township of said united Townships, and included in any such license, the corporation of such Township or united Townships, shall be entitled to be paid out of the Consolidated Revenue Fund of this Province, a sum equal to two per centum of the dues received by Her Majesty, for, or in respect of the timber and saw logs which, during the existence of such By-law, were cut within the said Township or within such senior Township under the authority of such license; but no Corporation shall

Township Councils entitled to percentage of timber dues.

Proviso.

be entitled to such percentage of the dues received for timber or saw logs, cut during the times or seasons when any timber, or trees, on any such Road allowances were cut or removed, for which cutting or removal such Corporation shall, before the passing of this Act, have obtained a verdict against any such 5 licensee or nominee.

Terms where-
on Councils
may obtain
the per cent-
age.

5. No Municipal Corporation shall be entitled to such pay-
ment as aforesaid, unless a certified copy of the By-law passed,
or to be passed as aforesaid, accompanied by an affidavit of the
Clerk or Reeve of such Corporation, verifying such copy, and 10
the date of the passing of such By-law be filed in the Depart-
ment of Crown Lands, at Toronto, within six months from the
passing of this Act, or within six months from the passing of
such By-law; and which affidavit may be made or taken
before any person or officer, who, under "The Public Lands' 15
Act of 1860," is authorized to administer affidavits.

Councils to ex-
pend percent-
age on high-
ways.

6. All moneys to be paid as aforesaid, to any Municipal
Corporation shall be expended in the improvement of the high-
ways situate within the Township or senior Township, in re-
spect of which such moneys were paid.

Actions tried
not to be affect-
ed.

7. Nothing herein contained shall affect any action in which 20
any trial has been had before the passing of this Act.

BILL.

An Act relative to Govern-
allowances and the granting
Timber Licenses therefore.

First Reading, 13th February

Hon. Mr. Ri

An Act to encourage settlement in the Free Grant Territory.

WHEREAS it is expedient to ascertain how far Immigration Preamble.
 would be encouraged, and the welfare of settlers promoted by the partial clearance of lands forming part of the public lands appropriated for free grants, and by erection there-
 5 on of a house, and by offers to settlers of such lands with such clearance and house under the terms of "The Free Grants and Homestead Act, of 1868," and under the further stipulation that the value of such clearance and house be paid by the loca-
 10 tee within five years from location; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There shall be set apart from the Consolidated Revenue \$20,000 appro-
 Fund the sum of twenty thousand dollars, to be applied for the priated.
 purposes herein mentioned, and to be designated and known as
 15 the "Settler's Homestead Fund."

2. The Commissioner of Agriculture and Public Works is here- Commissioner
 by authorized to cause to be cleared, fit for cultivation, and to of Agriculture
 be fenced, a plot of not exceeding five acres on any parcel or authorized to
 parcels of land, which may thereafter be granted, or as to which clear and build
 20 authority is given to locate any person by or under the provi- in the Free
 sions of "The Free Grants and Homestead Act of 1868;" and Grant Terri-
 to cause to be erected on every such plot a one story house fit tory.
 for habitation, of the dimension of not less than sixteen by
 25 twenty feet; and to defray the expense of such clearance, fencing
 and erection out of the said fund: Provided however
 and it is enacted, that such expense as to any one plot shall not
 exceed two hundred dollars, and that such clearances, fencing
 and erections in all, shall not be made to any greater extent
 or value than can be paid for out of the said fund, nor in any
 30 but such one township as may hereafter be decided on by the
 said Commissioner.

3. The amount of the expense of clearing, fencing and erec- Account of ex-
 tion as aforesaid, on each separate parcel of land, shall be en- penses to be
 tered in a book to be kept for that purpose by the said Com- kept, and men-
 35 missioner of Agriculture and Public Works, and information as tioned in loca-
 to the same be given by him to all persons enquiring; and such tion ticket.
 amount, and the terms of payment thereof, and of the interest
 thereon, shall be specified in every location ticket issued to a
 locatee.

40 4. Every such parcel of land shall continue subject to the pro- Terms where-
 visions of "The Free Grants and Homestead Act of 1868," and on the land

cleared, etc.,
may be located

to any regulations made or to be made by Order in Council thereunder, except so far as such regulations and provisions are varied by or are inconsistent with this Act. The ninth section of the said Act shall not apply to any such parcel after clearance, fencing and erection thereon as aforesaid; 5 provided however and it is enacted, that no patents shall issue for any such parcel till the locatee thereof, or those claiming under him, shall, within five years from the date of location, have paid to the Commissioner of Crown Lands the expense of such clearance, fencing and erection, and 10 the interest thereon from the date of location, nor unless he or those claiming under him, have actually and continuously resided on and cultivated such parcel for the term of five years next succeeding the date of location, and thence up to the issuing of the patent for such parcel; except that the 15 locatee shall be allowed one month from the date of the location to enter on and occupy the land, and that absence therefrom for not more than six months during any one year (to be computed from the date of the location) shall not be held to be a cessation of such residence. 20

Forfeiture.

5. On failure in payment of such expense and interest, or in residing on the land as aforesaid, the location shall be forfeited, and all rights of the locatee, and of every person claiming under him, in the land, shall cease.

